



EDWIN M. LEE  
MAYOR

POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO  
THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR  
CHIEF OF POLICE

January 18, 2013

The Commanding Officer of the Internal Affairs Division recommends that this case be classified as indicated:

| <u>CATEGORY</u>           | <u>RECOMMENDATION</u>  |
|---------------------------|--|
| OFFICER-INVOLVED SHOOTING | <u>Sergeant Scott Ryan #744</u><br>In Policy<br>No Further Action  |
|                           | <u>Officer Albert Lieu #1632</u><br>In Policy<br>No Further Action |

I Concur

I Do Not Concur

I CONCUR WITH FINDINGS  
AND RECOMMENDATION  
CPT C. Pedrini #1204 1/18/13

  
GREGORY P. SUHR  
Chief of Police

Date

1/24/13

I concur  
Deputy Chief Michael Biel  
Chief of Staff

IAD Case OIS #11-002



GEORGE GASCÓN  
DISTRICT ATTORNEY  
CITY AND COUNTY OF SAN FRANCISCO

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COPY

October 5, 2012

Chief Gregory Suhr  
Office of the Chief of Police  
San Francisco Police Department  
850 Bryant Street, Room 525  
San Francisco, CA 94103

Re: Officer Involved Shooting on June 7, 2011 (Report No. 110 460 706)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the June 7, 2011 fatal shooting of [REDACTED] by San Francisco Police Officer Albert Liu and Sergeant Scott Ryan. We have concluded that they acted lawfully in self-defense and defense of others. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters.

On June 7, 2011 Sergeant Scott Ryan, Officer Albert Liu and Officer Ruben Reyes were working together as a plain-clothes team out of Park Station. At the beginning of their shift they learned that a stolen gray 2-door BMW 328i with paper plates, which law enforcement authorities believed to be the vehicle involved in a number of bank robberies and police chases in southern California, had been located on Buena Vista Avenue East in San Francisco. Sergeant Ryan and his team, patrolling in an unmarked, gray Ford Crown Victoria, drove northbound on Buena Vista and, as they passed the BMW, they thought the BMW's rear lights were on and that the sunroof may have been opening. The BMW was parked perpendicular to the curb between a van and a 2-door Nissan 240SX. Suspecting that someone was in the car, the officers made a u-turn and pulled their Crown Victoria behind the BMW.

When Sergeant Ryan saw a person in the driver's seat of the BMW, he immediately got out his car, pulled his firearm, and initiated a felony stop with the intention of taking the driver into custody. Sergeant Ryan positioned himself behind the BMW on the driver's side so he could look down and into the driver's side of the BMW, called for back-up, and yelled, "Police, let me see your hands, get out of the car!" Meanwhile, Officer Lieu drew his gun and positioned himself by the trunk area of the Nissan that was to the left of the BMW. Officer Reyes also drew his gun and worked his way towards the passenger side of the BMW. As Officer Reyes identified himself and commanded the driver to put [REDACTED] hands on the steering wheel, the driver made eye contact with him, and the BMW started moving backwards slowly. The front of the BMW moved to the left as the tail of the car moved to the right. Sergeant Ryan moved backwards to get away from the BMW, and observed that the BMW was rubbing up against the Nissan, parked to its left, pushing that car up the hill, as the BMW driver was continuing to move backwards towards him. The BMW hit the passenger side door of the Crown Victoria, and was continuing to maneuver back, getting closer and closer to Sergeant Ryan, who believed he was at risk of

being crushed between the BMW and the Crown Victoria; at that point, Sergeant Ryan opened fire. Officer Lieu, believing Sergeant Ryan was in danger, also fired his weapon. The BMW continued to move, turning towards and shoving the Nissan, now directly threatening Officer Lieu who was positioned behind the Nissan. Both Sergeant Ryan and Officer Lieu, believing Officer Lieu to be in danger, continued to fire their weapons at the driver until the vehicle stopped.

All the civilian witnesses who saw the incident agreed that the police officers did not begin shooting until the BMW was moving and that the shooting stopped as soon as the BMW stopped moving. All the witnesses heard shouting preceding the shooting, and, although they could not make out the exact words, they all heard the officers commanding the driver to "stop" and "don't move." Two of the witnesses said the BMW almost pinned one of the officers (Lieu) and the officer had to jump out of the way to avoid the BMW that was coming at him.

The damage to the vehicles involved in this incident is consistent with the officers' and witnesses' statements. The right front door of the Crown Victoria was open, hyper-extended, and wedged against the left rear of the gray BMW. The BMW had its entire driver's side deeply scratched, consistent with dragging the Crown Victoria's door along its side. The right front passenger side of the BMW was contacting the right rear of the Nissan. The Nissan looked like it had been pushed by the BMW several feet forward, to the south and up onto the curb that borders the park. The BMW driver's door window was shattered and broken out, the small window behind the driver's door was shattered, and there were numerous bullet strikes to the hood, windshield, and driver's side of the car; the sunroof was partially open.

██████████ was pronounced dead at San Francisco General Hospital. According to the autopsy report ██████████ died of multiple gunshot wounds. At the time of this incident, ██████████ was on ██████████ and there was an outstanding Federal warrant for ██████████ arrest which issued on 5/17/11.

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if the person using deadly force actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM 3470.

It is well established that an automobile, depending on how it is being used, may constitute a deadly weapon. People v. Claborn (1964) 224 Cal.App.2d 38,42; People v. Finney (1980) 110 Cal.App.3d 705, 716. Indeed, "[t]here is no question that an automobile can inflict deadly force and thus under certain circumstances can constitute the type of threat that justifies an officer's shooting the driver." Acosta v. City&County of San Francisco (9<sup>th</sup> Cir.1996) 83 F.3d. 1143, 1147 fn9 (citing U.S.v.Acevers-Rosales (9<sup>th</sup> Cir. 1987) 832 F.2d 1155, 1157, cert.denied, 484 U.S. 1077 (1988)).

In this case, as outlined above, the decedent robbery suspect, in an attempt to avoid capture, ignored the officers' commands to stop and maneuvered the BMW in such a way that both Sergeant Ryan and Officer Lieu were in danger of being pinned and crushed by the BMW. Fearful of being seriously injured or killed, both Sergeant Ryan and Officer Lieu fired their weapons in self-defense and defense of others, and stopped firing their weapons when the vehicle came to a stop. Based on the totality of the circumstances, there is no basis to believe Sergeant Ryan and Officer Lieu acted unlawfully.

Very truly yours,

  
George Gascon  
District Attorney  


c: Sergeant Scott Ryan  
Officer Albert Lieu



**INTERNAL AFFAIRS DIVISION  
CASE EVALUATION**

**Evaluation by Sergeant John Crudo  
IAD O.I.S. Case #11-002**

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**January 18, 2013**

**MEMBERS INVOLVED:**

Sergeant Scott Ryan #734  
Officer Albert Lieu #1632

**INCIDENT:**

Officer-Involved Shooting

**FINDINGS:**

On Tuesday, June 7, 2011, at 1121 hours, Dispatch received a phone call from a consumer GPS tracking service. The caller informed Dispatch that their system had been activated and tracked a metallic BMW sedan, reported stolen by its owner, to the area of Buena Vista East and Haight Street. The caller was unable to provide a license plate number, but gave a vehicle description and the corresponding Vehicle Identification Number (VIN).

Shortly afterward, Dispatch received a second call regarding this BMW. The caller identified himself as Special Agent [REDACTED] assigned to the Federal Bureau of Investigations' Santa Ana office. Agent [REDACTED] provided additional information to Dispatch, including:

- the BMW was linked to at least two bank robberies in Irvine, California;
- the vehicle and its contents were wanted as evidence;
- on at least three occasions, officers had encountered the suspect vehicle, and the operator had recklessly evaded police; and
- officers should use "extreme caution" if the vehicle is occupied.

Officers following up on the call located the vehicle parked and unattended in the area of [REDACTED] Buena Vista East. It was a silver 2-door BMW 320i bearing paper plates labeled [REDACTED]

Sergeant James Aherne #1095 (3E170) responded to the Park District to assist Park officers responding to the scene. Sergeant Aherne contacted Special Agent [REDACTED] and spoke with him about the vehicle and its connection to the Irvine robberies. The SFPD Crime Intelligence Unit (CIU)/Robbery Apprehension Team (RAT) was notified, and the unit assumed control of the vehicle surveillance.

At 1400 hours, three members of Park District Station's plainclothes unit—Sergeant Scott Ryan #734, Officer Albert Lieu #1632, and Officer Ruben Reyes #1954—

responded to the area to assist with the coordinated surveillance of the BMW. The plainclothes officers assumed positions on the outer perimeter of the scene. Officers Lieu and Reyes were wearing their stars visibly around their necks on chains, while Sergeant Ryan had his star clipped on a pants pocket.

Approximately an hour later, around 1500 hours, the CIU RAT team had to be redeployed on another incident, breaking down their surveillance. Park Station plainclothes units assumed responsibility for surveillance, as their other duties permitted.

At 1706 hours, Sergeant Ryan, Officer Lieu, and Officer Reyes responded to [REDACTED] Parnassus Avenue regarding an A-priority report of [REDACTED] with a gun. Officers determined that there was no merit to this incident and return to their duties. The plainclothes officers decided to return to the area of [REDACTED] Buena Vista East to gather information about the stolen vehicle.

Because the officers had been on the outer perimeter, they had not actually seen the target vehicle. Now that they had the opportunity, the officers decided to pass by the BMW so that they could see if there were any unique features to assist in its identification, should the suspect return to the vehicle and go mobile. Officer Lieu was driving their unmarked white Ford Crown Victoria. Sergeant Ryan sat in the front passenger seat, while Officer Reyes sat in the rear seat on the passenger side.

As the officers drove toward the vehicle—a silver-grey 2-door BMW sedan with an open sunroof and paper plates—they were surprised to observe that their target vehicle was now occupied. The BMW was parked between a Nissan Altima and a yellow GM cargo van. All three vehicles were parked at a 90-degree angle from the curb, with their front ends toward the curb.

Believing the occupant to be a bank robbery suspect, Officer Lieu maneuvered to a parked position slightly behind and downhill from the BMW and parked. The three officers briskly exited their vehicle, drawing their Department-issued firearms. They instinctively triangulated, with Ryan and Reyes moving to the downhill (passenger side) of the suspect vehicle. Lieu moved to the rear driver's side of the parked Nissan Altima, between the Altima and a Mazda Protégé, in a position uphill from the suspect vehicle.

The officers identified themselves to the driver and barked orders at the suspect to stop and surrender to their authority. Sergeant Ryan keyed his radio microphone and cleared the air for an emergency broadcast ("Code 33"). He reported that the suspect vehicle was now occupied and requested a back up. Sergeant Ryan approached from the rear passenger's side of the BMW. Officer Reyes moved to a position of cover near the back of the van, downhill from the BMW.

The suspect began to reverse and backed up, turning so that the back of the BMW turned downhill and the front of the vehicle turned uphill. The BMW front end contacted the parked Nissan Altima, scraping along the side and pushing it toward the Mazda Protégé. Officer Lieu became briefly pinned between the Altima and Protégé, as the BMW

continued to reverse and head toward Sergeant Ryan. Officer Lieu would later state, "I was scared. I was trying to get away." Believing that he was about to be crushed, Officer Lieu fired his Department-issued firearm at the driver. He made a tactical magazine change, racking his slide and causing a live round to eject from his weapon, but Officer Lieu did not fire again.

At approximately the same time, Sergeant Ryan saw that the BMW was backing in his direction. He believed that the suspect was deliberately heading toward him. Sergeant Ryan also wanted to get away and retreated until his escape path was blocked by his own vehicle. Sergeant Ryan now believed, "I have no place to go." Fearing that he was about to be crushed by the suspect vehicle, Sergeant Ryan opened fire, discharging his full magazine. He made a magazine change, but did not fire any further.

From his position near the rear of the GM cargo van, Officer Reyes saw the BMW reversing toward Sergeant Ryan and believed the retreating sergeant, whose path was now blocked, was about to be struck. Officer Reyes believed that Sergeant Ryan was at risk of serious bodily injury or death. Officer Reyes, however, noticed that Officer Lieu was positioned directly ahead, behind his line of sight toward the BMW, in Officer Reyes' field of fire. For this reason, Officer Reyes withheld fire.

After Sergeant Ryan and Officer Lieu discharged their firearms, the BMW stopped. The officers cautiously approached the driver, handcuffed [REDACTED] and took [REDACTED] into custody.

Units on the scene called for an ambulance to respond to the scene. Prior to the arrival of SFFD paramedics, however, Sergeant Lederer #4151, who had arrived on the scene, flagged down a passing private ambulance to assist the officers until the arrival of the paramedics. SFFD Medic #79 arrived a short time afterward and transported the suspect to SFGH, where [REDACTED] succumbed to multiple gunshot wounds.

C.S.I. responded to the scene. The scene was measured for diagramming. Per the Evidence Inventory and Processing forms, CSI technicians identified, processed, and collected evidence, that included 23 .40 caliber S&W shell casings, a .40 caliber S&W cartridge, and numerous bullet fragments. The involved officers' firearms (both SigSauer Model P226) and magazines were collected by CSI, in the presence of the SFPD Rangemaster, Sergeant David Pollitt #610. Bullet trajectory data was measured and collected for later analysis. The suspect vehicle was towed to Auto Return with a hold for Homicide. Sergeant Ryan's and Officer Lieu's firearms were tested by the Forensic Services Division—Criminalistics Laboratory; both weapons were determined to be functional, with trigger pull within the manufacturer's specifications. Thirteen recovered casings were matched to Sergeant Ryan's weapon; ten were matched to Officer Lieu's.

The suspect was subsequently identified as [REDACTED] dubbed the "[REDACTED]" by the F.B.I. The Medical Examiner's office conducted an autopsy and ruled that [REDACTED] cause of death was complications related to multiple gunshot wounds. [REDACTED] was struck by six rounds, penetrating [REDACTED] chest, abdomen, and left forearm. [REDACTED] was determined to be positive for [REDACTED].

The Homicide Detail and the District Attorney's Office conducted a criminal investigation. The Homicide Detail interviewed all involved members, as well as all identified sworn and civilian witnesses, and considered all of the evidence and data collected in this case. The completed Homicide Detail investigation was forwarded to the San Francisco District Attorney's Office for review and consideration of possible charges related to this incident.

The Department received a letter from the Office of the District Attorney, dated October 5, 2011 summarizing their findings. The letter concludes as follows:

In this case, as outlined above, the decedent robbery suspect, in an attempt to avoid capture, ignored the officers' commands to stop and maneuvered the BMW in such a way that both Sergeant Ryan and Officer Lieu were in danger of being pinned and crushed by the BMW. Fearful of being seriously injured or killed, both Sergeant Ryan and Officer Lieu fired their weapons in self-defense and defense of others, and stopped firing their weapons when the vehicle came to a stop. Based on the totality of circumstances, there is no reason to believe Sergeant Ryan and Officer Lieu acted unlawfully.

An administrative investigation was undertaken by Sergeant Michael Nevin #166 of the Internal Affairs Division. The investigation determined the officers' use of lethal force was in accordance with Penal Code 835a, Department General Order 5.01, *Use of Force* and Department General Order 5.02, *Use of Firearms*.

**Penal Code Section 835a** states, as follows:

Any peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

**General Order 5.01, *Use of Force*** states, in part:

**D. Categories of Force to Employ (In ascending order of gravity)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to

be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g, passive resister, bent wrist control, excluding the carotid restraint.
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

#### **F. Circumstances Justifying the Use of Force**

1. Officers may use force in the performance of their duties in the following circumstances:
  - a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self defense or in the defense of another person.

**General Order 5.02, *Use of Firearms*** states, in part:

#### **C. Discharge of Firearms**

**2. PERMISSIBLE CIRCUMSTANCES.** Officers may discharge a firearm in any of the following circumstances:

- a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
- b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

**3. VERBAL WARNING.** If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.



**5. MOVING VEHICLES.** The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

- a. At A Moving Vehicle. An officer shall not discharge a firearm at a moving vehicle with the intent to disable the vehicle.
- b. From a Moving Vehicle. An officer shall not discharge a firearm from a moving vehicle unless the officer has reasonable cause to believe there is an imminent danger of death or serious bodily injury to the officer or to others.
- c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that officers **are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:
  - (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means other than the vehicle itself.
  - (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.
  - (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
  - (4) To apprehend a person when both of the following circumstances exist:
    - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND

- (b) The officer has reasonable cause to believe that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

When Sergeant Ryan and Officer Lieu discharged their firearms, both officers had sought places of safety in a volatile, rapidly unfolding lethal encounter. Officer Lieu had sought a position of cover behind a parked car adjacent to the suspect vehicle. As a direct result of [REDACTED] violent action, however, Officer Lieu became pinned between his cover car and the next adjacent vehicle. Likewise, Sergeant Ryan retreated away from the path of [REDACTED] BMW until he found his retreat blocked.

As established by the criminal investigation and District Attorney's review, Sergeant Ryan and Officer Lieu fired their weapons on June 7, 2011 in defense of themselves and others, after they had identified themselves as police officers and ordered the suspect to submit to their lawful authority. Presented with an unexpected encounter, the officers triangulated. When the suspect began to use his vehicle as a weapon in order to effect [REDACTED] escape, both Sergeant Ryan and Officer Lieu attempted to retreat to defensive positions before ultimately firing their weapons.

It is therefore recommended that **Sergeant Scott Ryan's** use of his firearm on June 7, 2011 be deemed **Proper Conduct** and **In Policy**.

Furthermore, it is recommended that **Officer Albert Lieu's** use of his firearm on June 7, 2011 be deemed **Proper Conduct** and **In Policy**.

The Firearm Discharge Review Board (4<sup>th</sup> Quarter 2012) convened on December 20, 2012 and reviewed this case. The unanimous finding for the action taken by Sergeant Scott Ryan #734 during the course of this incident was "**In Policy**." The unanimous finding for the action taken by Officer Albert Lieu #1632 during the course of this incident was "**In Policy**."

**RECOMMENDATION:**

**Sergeant Scott Ryan #734**  
**In Policy**  
**No Further Action**

**Officer Albert Lieu #1632**  
**In Policy**  
**No Further Action**

# Memorandum

**San Francisco Police Department**



**To:** Gregory P. Suhr  
Chief of Police  
San Francisco Police Department

**From:** Lieutenant Robert Yick  
Commanding Officer  
Internal Affairs Division-Admin

APPROVED YES NO

|       |                          |                          |
|-------|--------------------------|--------------------------|
| _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> | <input type="checkbox"/> |

**Date:** December 12, 2012

**Subject:** Officer-Involved Shooting #11-002

**MEMBERS:** Sergeant Scott Ryan #734  
Officer Albert Lieu #1632

**TYPE OF INVESTIGATION:** Administrative – Officer-Involved Shooting

**CASE NUMBER:** OIS 11-002  
Case #110-460-706

**DATE, TIME AND PLACE OF OCCURRENCE:** June 7, 2011  
17:23  
■ Buena Vista East

**INVESTIGATOR:** Sergeant Michael Nevin #166

**INCIDENT:**

On , 2011 at 1723 hours, Sergeant Scott Ryan #734, Officer Albert Lieu #1632 and Officer Ruben Reyes #1954 responded to the area of ■ Buena Vista East regarding a stolen vehicle that had been used in two bank robberies and had attempted to run over deputies during escape in Southern California. Upon arrival, Officers located the vehicle occupied by the suspect. The suspect was ordered to turn the vehicle off, but instead the vehicle accelerated toward the Officers. Sergeant Ryan and Officer Lieu discharged their firearms at the driver of the vehicle. The suspect, later identified as ■ was transported to San Francisco General Hospital where ■ was pronounced dead.

**FOCUS OF INVESTIGATION:**

Was the firearm discharge involving Sergeant Scott Ryan #734 and Officer Albert Lieu #1632 within Department policy and procedure?

**IDENTIFIED/INVOLVED PARTIES:**

**Involved Member(s):**      **Sergeant Scott Ryan #734**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Officer Albert Lieu #1632**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Witness Member:**      **Officer Ruben Reyes #1954**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Civilian Witnesses:**

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Suspect(s):**

[REDACTED]

**INVESTIGATIVE CHRONOLOGY:**

See attachment



**INVESTIGATIVE FINDINGS:****Incident Overview**

On Tuesday, June 7, 2011 at 11:21 hours Department of Emergency Management received a phone call from ATX, a GPS tracking system. They were tracking GPS coordinates of a vehicle stolen from Southern California. The vehicle was described as a 2009 BMW 3 series. It was determined to be in the area of Buena Vista East and Haight Street. Several minutes later, F.B.I. Agent [REDACTED] from the Santa Ana office called DEM to report that the stolen vehicle was believed to have been involved in two bank robberies in Irvine, California. No gun was seen in the robberies, but Agent [REDACTED] wanted officers to use “extreme caution” and should be aware that the suspect evaded police in Orange County in at least three encounters. The suspect tried to run over deputies during one of the incidents. The possible name of the suspect, provided by the F.B.I. at this time, was [REDACTED]

Sergeant James Aherne #1095 (3E170) responded into the Park District to assist with plain clothes surveillance of the vehicle. He contacted Agent [REDACTED] and learned that the BMW was stolen on May 16, 2011. Two bank robberies involving the stolen BMW occurred the next day in Irvine, California.

After locating the vehicle parked and unoccupied near [REDACTED] Buena Vista East, multiple units were involved in surveillance over the next several hours. The San Francisco branch of the F.B.I. notified Inspector [REDACTED] Crime Intelligence Unit/Robbery Apprehension Team.

The surveillance on the vehicle included [REDACTED], and the officers noted that the vehicle was unlocked. Numerous officers from multiple units were involved.

Sergeant Scott Ryan #734 (3F135) was at the Hall of Justice when he first received a phone call from Sergeant Aherne regarding the operation. Sergeant Ryan, a Park Station plain clothes supervisor, responded to the area and was positioned on the perimeter during the initial surveillance.

Officer Ruben Reyes #1954 (3F35E) and Officer Albert Lieu #1632 (3F35C) began their shift [REDACTED]. Both officers received information from Sergeant Ryan regarding the operation. They drove to the area and were posted on the perimeter.

At approximately 1500 hours, the surveillance operation was called off but another tracking device was placed on the vehicle in the event that it became occupied and moved. (This tracking device was later recovered from the vehicle.)

Sergeant Ryan (front passenger), Officer Lieu (driver), and Officer Reyes (rear passenger) teamed up in one unmarked police vehicle and began other duties in the district.

At 17:06 hours, the officers responded to a call of [REDACTED] with a gun at [REDACTED] Parnassus Avenue, but they went back in service after it was determined that there was no merit. Since they were in the area and none of the officers had yet observed the vehicle wanted in the bank robbery, they proceeded north on Buena Vista East from Duboce to familiarize themselves with what the vehicle looked like in the event that it became mobile.

While making a pass the officers saw the suspect vehicle (BMW) parked near [REDACTED] Buena Vista East next to a yellow van. (Vehicles on this street are parked at a 90 degree angle. The BMW had the front end closest to the curb.) Officer Lieu commented to the others that he may have seen brake lights on the BMW. They

decided to drive down the block, make a U-turn at Haight Street, and take another look as they drove south on Buena Vista East.

Officer Lieu drove past the vehicle again and the officers noticed that the vehicle was indeed occupied. Officer Lieu quickly backed up and parked. Officer Lieu exited his driver's door and was positioned to the rear of a Nissan Altima just south of the driver's side of the BMW. Officer Reyes exited the rear driver's side door and became positioned north of the BMW on the passenger side. Sergeant Ryan exited the front passenger side and was positioned immediately to the driver's side rear of the BMW.

The officers verbally identified themselves and gave orders to the single occupant of the BMW. Officers Lieu and Reyes had their stars visible around their necks. Sergeant Ryan had his star on a clip on his pocket. All three officers had their firearms drawn in an attempt to take the suspect into custody; believing that ■ may be the suspected bank robber.

Verbal persuasion was to no avail. None of the Officers recalled hearing the suspect say anything at this time. Sergeant Ryan recalled Officer Lieu telling the occupant to turn off the vehicle. Sergeant Ryan recalled seeing the sunroof of the vehicle was open. Sergeant Ryan did not know the vehicle was even running. Sergeant Ryan got on his pic radio and called a Code 33 (clear channel for emergency). He stated that they had an occupied wanted vehicle on Buena Vista East and they needed back-up.

The BMW slowly began backing up with the rear turning north and the front end making contact with the parked vehicle (Nissan Altima) south of the BMW. Sergeant Ryan backed up but was blocked by the police vehicle. He was looking for escape but "not seeing a way to get out of it." Meanwhile, as the BMW

contacted the Nissan Altima, the Altima made contact with a parked Mazda Protégé. The contact literally pushed these parked vehicles together. Officer Lieu briefly got pinned between these two parked vehicles. (His pants later showed a mark on the left thigh area where Officer Lieu said was the location his body got caught.)

As the BMW drove back towards Sergeant Ryan, he felt he was getting pinned and he “fired at the driver to get [REDACTED] to stop doing what [REDACTED] deliberately doing.” Sergeant Ryan’s initial reaction the situation was to try to get away but he said, “I have nowhere to go.” Sergeant Ryan discharged his entire magazine in a continuous sequence of fire at the driver of the wanted vehicle. He then changed magazines but did not fire again.

The BMW began to move forward in the direction of Officer Lieu. Officer Lieu stated, “I was scared. I was trying to get away.” Officer Lieu discharged his firearm at the driver. Officer Lieu changed magazines before he went empty and then recalled racking a live round which would have fallen to the ground. He did not fire again.

The BMW came to a stop with the right front end contacting the left rear end of the Nissan Altima. The officers approached the suspect in the BMW but [REDACTED] hands were positioned in a fashion that gave them pause. Once they were comfortable that no weapons were visible, Officer Lieu, assisted by Officer Reyes, handcuffed the suspect to the front of [REDACTED] body and took [REDACTED] into custody.

Back up units arrived and summoned medical attention for the suspect. Sergeant Lederer #4151 flagged down a passing American Medical Response ambulance out of Santa Rosa. They provided medical attention until SFFD Medic #79

arrived. The suspect was transported to San Francisco General Hospital where [REDACTED] was pronounced dead at 18:05 hours. The suspect was later identified as [REDACTED] [REDACTED] who had been dubbed the “[REDACTED]” by the F.B.I. [REDACTED] was not involved.)

#### DEM Computer Assisted Dispatch Records

Certified copies of all CAD printouts and DEM recordings were obtained. The first call for service from ATX regarding the GPS on the stolen vehicle was at 11:21 hours (CAD #111581289). On that CAD is Agent [REDACTED] who called in at approximately 11:28 hours. The surveillance operation used channel B16. The CAD closes at 15:26 hours.

At 17:06 hours, Sergeant Ryan, Officer Lieu, and Officer Reyes responded on a 221 call at [REDACTED] Parnassus Avenue (CAD #111582536). They cleared this run but did not yet go 10-8. At 17:23 hours, Sergeant Ryan calls a “Code 33” on channel A6.

A new event on CAD was created for [REDACTED] Buena Vista East regarding the Officer-Involved Shooting (CAD #111582662).

#### ➤ Timeline of Significant Events (from review of DEM audio time stamp)

- 17:23:23 (3F135) “Code 33” occupied 10-30 Buena Vista East “Get me a couple units, 10-25, 10-25”
- 17:23:46 (3F135) “Shots fired” (Note [REDACTED] Parnassus was a prior run address)
- 17:24:20 (3F108) Sgt Kane on scene
- 17:25:00 (3F108) Sufficient help on scene
- 17:25:40 (3F204) Code 3 408 request
- 17:27:20 (3F108) 408 is 10-97

23 seconds elapsed from “Code 33” to “Shots Fired” broadcast.



Suspect: [REDACTED]

[REDACTED] [REDACTED] resided in Southern California.

A warrant was issued on May 17, 2011 for [REDACTED] by the F.B.I. on an [REDACTED] [REDACTED].

[REDACTED] had a criminal history in California involving [REDACTED] [REDACTED]. [REDACTED] was convicted of a misdemeanor.

The F.B.I. later confirmed that [REDACTED] was the suspect in the bank robberies in Irvine, California. [REDACTED] was dubbed the “[REDACTED]” No local arrest record.

#### Crime Scene Investigations/Laboratory Examination

Crime Scene Investigations responded to the outdoor scene located in the middle of the roadway just opposite [REDACTED] Buena Vista East. Buena Vista Park begins just west of this street with residential housing on the east side of the street. Evidence was seized, photos and crime scene video taken, and “total station” mapping of the scene was completed. A written report was submitted and attached to this investigation.

CSI evidence collected at the scene included the following:

- 23 casings
- 1 cartridge
- 2 magazines: 1 empty, 1 contained 2 cartridges
- 2 Department-issued firearms of involved officers

Vehicles involved in the incident:

- 2009 BMW 328i 2D silver-grey (paper plates “ [REDACTED] (suspect vehicle) \*sunroof open
- 2000 Ford Crown Victoria 4D grey [REDACTED] Department vehicle)
- 2000 Nissan Altima 4D black [REDACTED] (collision damage)
- 1996 Mazda Protégé 4D green [REDACTED] (collision damage)
- 2008 GMC Savannah van yellow [REDACTED] (gunshot damage to rear window)

Sergeant Ryan’s Sig Sauer Model P226 semiautomatic pistol [REDACTED] was examined and determined to be within manufacturer’s specifications. Thirteen (13) casings recovered were matched to this pistol. A bullet recovered during the autopsy was matched to this pistol.

Officer Lieu’s Sig Sauer Model P226 semiautomatic pistol [REDACTED] was examined and determined to be within manufacturer’s specifications. Ten (10) casings recovered were matched to this pistol.

A trajectory examination report was completed by the CSI unit. They utilized the “Leica Nautiz total station” instrument for mapping the suspect vehicle. The resulting diagram depicts six trajectory lines which represent the apparent bullet paths that entered the passenger cabin. A total of nine (9) bullets (not including fragments) were recovered from the vehicle.

Homicide Detail (Criminal Investigation):

The Homicide Detail of the San Francisco Police Department conducted a criminal investigation into the officer-involved shooting incident. Inspector John Cagney, Homicide Detail, was the lead criminal investigator. His investigation was obtained and reviewed as part of this administrative investigation.

Inspector Cagney concluded, “Sergeant Ryan, Officer Lieu and Officer Reyes were attempting to arrest a stolen auto/bank robbery suspect who was in the driver’s seat of the stolen BMW. The suspect maneuvered the BMW in a manner that put both Sergeant Ryan and Officer Lieu’s lives in danger. Fearing for their lives, they discharged their firearms at the suspect.”

### Homicide Interviews

#### Special Agent [REDACTED]

Special Agent [REDACTED] works out of the F.B.I. Orange County Bank Robbery Squad. Special Agent [REDACTED] confirmed that [REDACTED] was the only suspect in both Southern California bank robberies on 05/14/11. Special Agent [REDACTED] stated that both cases are closed as solved. Special Agent [REDACTED] stated there is no documentation or evidence that [REDACTED] used the BMW to assault any Law Enforcement Officers in the Southern California incidents as previously thought. It is unclear how the inaccurate information was passed on to SFPD personnel.

#### Sergeant Scott Ryan

Sergeant Ryan stated that he exited the Police vehicle on the passenger side near the rear of the BMW, about arms length away. Officer Lieu had stopped the vehicle a few feet behind the BMW to prevent the escape of the suspect. Sergeant Ryan stated that all of the Officers were shouting commands to the suspect for what seemed like a long time. Sergeant Ryan stated he believed the driver’s window was open and he did not hear any music coming from the vehicle. Sergeant Ryan stated the suspect made no attempt to comply with the Officers commands. Instead the suspect began backing car up and swung the BMW to the left. This caused the BMW to hit surrounding vehicles. Sergeant Ryan described this as “kind of like a trash compactor; moving and crunching.” Ryan attempted

to escape but he was trapped between the BMW and the Police vehicle. With his back against the Police vehicle and the BMW approaching him, Sergeant Ryan stated that he felt trapped and was fearful he would be crushed. Sergeant Ryan stated he fired at the driver of the BMW to stop [REDACTED] from crushing him.

#### Officer Albert Lieu

Officer Lieu stated that upon exiting the vehicle he ordered the driver of the BMW to show [REDACTED] hands numerous times. Lieu stated he could see the sunroof of the vehicle was open and he could hear the other Officers yelling commands. As the vehicle was moving backward toward Sergeant Ryan, Officer Lieu began to fire his weapon. The BMW then turned in the direction of Officer Lieu. Officer Lieu stated he tried to get out of the way by running between two parked cars but the BMW struck one of the cars, pinning his leg between the cars.

#### Medical Examiner Report

The Medical Examiner's office provided positive identification of the suspect killed in this incident: [REDACTED] was examined by autopsy on June 10, 2011. The case number is 2011-0604. The manner of death was ruled homicide and the cause of death was complications of multiple gunshot wounds.

The six (6) gunshot wounds were described as follows: (1) perforating distant wound of head (right ear), (1) penetrating distant wound of chest, (2) perforating distant wounds of abdomen, and (2) perforating distant wounds of left forearm.

Toxicology was positive for caffeine and THC.

Officer(s) Training and Experience

It should be noted that special training is available to plain clothes officers in relation to engaging vehicle threats. This includes a class created by Lt. Jim Miller (GTF) "Plain Clothes and Undercover Operations." A section of this class includes "Occupied Suspect Vehicle Investigations" that reviews DGO 5.02, plain clothes officer safety strategies, and individual incident case review. All three members have taken his 24-hour plain clothes class.

Officer Angelo Spagnoli created a specialized Range course for plain clothes officers as well. This course consists of classroom lecture which covers relevant Department General Orders, policy and procedures for plainclothes officers, how and where to wear your firearm, Department approved holsters and shooting positions. There is also approximately 4-5 hours of dynamic shooting on the range which includes shoot/no shoot targets. Officer Lieu was listed as taking the course on 12/14/11 and Officer Reyes 6/24/12 (after this incident occurred). There is no record of Sergeant Ryan taking the course, however Officer Spagnoli remembers his attendance in class.

Use of Force Records

No officer had a prior Officer-Involved Shooting or Discharge. The IAD computer database found [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] (See attached records)



Findings of the Office of the District Attorney:

The District Attorney's office responded to the scene of this officer-involved shooting and participated in witness/officer interviews. On October 5, 2012 the District Attorney's office concluded that Sergeant Ryan and Officer Lieu "acted lawfully in self defense and defense of others."

The District Attorney's findings also concluded, "Sergeant Ryan and Officer Lieu were in danger or being pinned and crushed by the BMW. Fearful of being seriously injured or killed, both Sergeant Ryan and Officer Lieu fired their weapons in self defense and defense of others and stopped firing when the vehicle came to a stop. Based on the totality of the circumstances, there is no basis to believe Sergeant Ryan and Officer Lieu acted unlawfully."

**CONCLUSION:**

Was the firearm discharge involving Sergeant Scott Ryan #734 and Officer Albert Lieu #1632 within Department policy and procedure?

The following statute and Department General Order provisions were considered in the evaluation of this investigation:

Penal Code Section 835a:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Department General Order 5.01 (Use of Force rev. 10/4/95) states, in part:

**D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

**F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE**

1. Officers may use force in the performance of their duties in the following circumstances:

- a. To prevent the commission of a public offense.
- b. To prevent a person from injuring himself/herself.
- c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
- d. In self-defense or in the defense of another person.

2. Before using force, the officer should consider these questions:

- a. What actions on the part of the suspect justify the use of force?
- b. What crime is being or has been committed?
- c. Does the situation require the immediate use of force?

Department General Order 5.02 (Use of Firearms rev. 3/16/11) states, in part:

**C. DISCHARGE OF FIREARMS**

1. **PERMISSIBLE CIRCUMSTANCES.** Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:

- a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
  - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
  - c. To apprehend a person when both of the following circumstances exist:
    - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
    - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.
5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:
- c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that **officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:
    - (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means other than the vehicle itself.
    - (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means

of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.

- (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- (4) To apprehend a person when both of the following circumstances exist:
  - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
  - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
- d. In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or others were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Department-approved training.

#### IAD Findings

Sergeant Scott Ryan, Officer Albert Lieu and Officer Ruben Reyes responded to a ■ Buena Vista East regarding a stolen vehicle that was wanted in association with two bank robberies. Information known to the officers at the time of the incident was limited to the following: ATX had been tracking GPS coordinates of a vehicle stolen from Southern California. The vehicle was a 2009 BMZ 3 series. The vehicle was believed to be involved in two robberies in Irvine, Ca. No gun was seen during the robberies, but Officers were cautioned to use "extreme caution" because the suspect had recklessly evaded police in Orange County in at least three encounters. The suspect had also tried to run over Deputies during one of the incidents. The name of the possible suspect, I ■ had been provided by the F.B.I. The vehicle had been under surveillance until 1500 hours and an additional tracking device was placed on the vehicle.

Upon locating the occupied vehicle, Sergeant Ryan and Officer Lieu were confronted with a violent suspect who had previously used a vehicle as a weapon and was using the vehicle against them. The Officers had no means of escaping the rapidly unfolding and dangerous incident.

Sergeant Ryan was confronted by a dangerous suspect who he believed was using a vehicle to cause him serious bodily injury. This life-threatening situation happened in a few seconds and from a short distance. Sergeant Ryan quickly became a victim in this aggravated assault (245© P.C.). Sergeant Ryan was permitted to use reasonable force to effect an arrest, defend himself, and defend others.

Officer Lieu was confronted by a dangerous suspect who he believed was using used a vehicle to cause serious bodily injury to him and Sergeant Ryan . This life-threatening situation happened in a few seconds and from a close distance. Officer Lieu quickly became a victim in this aggravated assault (245© P.C.). Officer Lieu was permitted to use reasonable force to effect an arrest, defend himself, and defend others.

Based on the findings of this investigation, Sergeant Scott Ryan and Officer Albert Lieu had reasonable cause to believe that they and others were facing an imminent threat of death or serious bodily injury. All other reasonable means of apprehension and control had been exhausted and verbal orders were given.

It has been determined through this investigation that the actions of Sergeant Scott Ryan and Officer Albert Lieu in response to the circumstances leading to the discharge of his firearm were appropriate and consistent with Department policy and procedure. Therefore, the recommended findings are that **Sergeant Scott**

Ryan and Officer Albert Lieu's actions be deemed Proper Conduct and In Policy.

There were no significant tactical concerns related to this investigation.

Submitted By:

[Redacted Signature]

Monica Macdonald  
Inspector Star 1267

12/12/12  
Date

Approved By:

[Redacted Signature]

Robert Yick  
Lieutenant Star 1264

12/14/12  
Date

**RECOMMENDATION:**

That this case be forwarded to the Firearm Discharge Review Board for review per Department General Order 8.11.

Approved By:

[Signature]

12/14/12  
Date

**ATTACHMENTS:**

- A. Chronological**
- B. Incident Report 110-460-706**
- C. CAD**
- D. CSI Report / Crime Lab Report**
- E. Homicide Report**
- F. Medical Examiner's Report**
- G. District Attorney Disposition Letter**
- H. Suspect Profile: [REDACTED]**
- I. Employee Profile: Sergeant Ryan**
- J. Employee Profile: Officer Lieu**
- K. Employee Profile: Officer Reyes**
- L. Interview Transcripts: Sergeant Ryan**
- M. Interview Transcript: Officer Lieu**
- N. Interview Transcripts: Officer Reyes**
- O. Prelim Investigation Memo, RTD, Commission PP**
- P. DGO 5.01, 5.02, 8.11**
- Q. Photo, Interview, Video, DEM discs**
- R. Photos**

**Internal Affairs Division**  
**CHRONOLOGICAL RECORD OF INVESTIGATION**

| IAD CASE #<br>OIS 11-002    |      | DATE OF INCIDENT<br>6/7/11   | DATE DEPARTMENT NOTIFIED (3304)<br>6/7/11  |
|-----------------------------|------|--|--|
| DATE IAD ASSIGNED<br>6/7/11 |      | DETAIL<br>I.A.D.   | SERGEANT ASSIGNED<br>Sergeant Michael Nevin #166<br>Inspector Monica Macdonald #1267 |
| DATE                        | TIME | ACTIVITY   |  |
| 06/07/11                    | 1813 | Received call from Ins. Tomioka regarding OIS in the Park District. Began response from [REDACTED] Met with Ins. Tomioka at HOJ to drive to Haight and Buena Vista   |  |
|                             | 1900 | <p>Arrived at the crime scene near Haight/Buena Vista. Inner perimeter located near [REDACTED] Buena Vista East. The weather was clear with significant wind. Homicide, CSI, command staff, OCC, district attorney representatives, and district personnel present at my time of arrival. CSI 'Total Station' set up while we were there. Both photos and video being taken. Briefed by Ins. Cagney (Homicide) but we did not enter inner perimeter due to fact that significant evidence (casings and bullets) was scattered about and could easily have been further disturbed. However, I could observe all vehicles involved. Inspector Tomioka took several photos that were later used for placement purposes for voluntary interview.</p> <p>Earlier in the day surveillance was set up on a vehicle that was stolen and involved in bank robberies from Southern California. A team of plainclothes officers from Park Station were involved in the OIS:</p> <p>Officer Ruben Reyes #1954 (3F35E) [REDACTED] has worked plainclothes for past 2 years</p> <p>Officer Albert K Lieu #1632 (3F35C) [REDACTED] [REDACTED] has worked plainclothes for past 2.5-3 years</p> <p>Sergeant Scott F Ryan #734 (3F135) [REDACTED] [REDACTED] has worked plainclothes over 10 years and past 2.5 as a supervisor</p> |  |
|                             | 2119 | Faxed request to DEM for certified CAD and audio   |  |
|                             | 2200 | Responded to Homicide Detail to observe involved officer voluntary statements  |  |
| 06/08/11                    | 1300 | Picked up DEM copies   |  |
|                             | 1400 | Picked up Photo Lab  |  |
|                             | 1430 | Sent e-mail regarding RTD for 6/13 @11:00  |  |
|                             | 1515 | Met with Lt. Jim Miller (GTF). He will check records to see if involved officers have been through his plainclothes training course.   |  |
| 06/09/11                    | 0830 | Spoke to Nina at Medical Examiner's office. Dr. Azar [REDACTED] will perform autopsy on 6/10   |  |
|                             | 1040 | LM for Sgt Dunnigan (BSU) regarding <u>debriefing to be held to @1400 hrs on today's date.</u> Asked her to have Sgt Ryan call me regarding standard training.   |  |
| 06/10/11                    | 0700 | Received CSI draft from Sgt. Weggenmann [REDACTED] 23 casings recovered from scene. 2 magazines seized at scene: one was empty and one contained 2 cartridges. 1 cartridge found   |  |



**Internal Affairs Division**  
**CHRONOLOGICAL RECORD OF INVESTIGATION**

|          |      |   |
|----------|------|---|
|          |      | at scene (consistent with Ofc. Lieu's statements that he reloaded before going empty and then racked a live round out during incident). Will await Crime Lab analysis but based on statements and evidence it appears Sgt Ryan fired 13 times and Ofc. Lieu fired 10 times.<br><br>Received outline from Lt. Miller #875 of his class: "Plain Clothes and Undercover Operations." A segment of this class is "Occupied Suspect Vehicle Investigations" that reviews DGO 5.02, plain clothes officer safety strategies, and individual incident case review. |
|          | 0715 | LM for Ofc. Spagnoli [REDACTED] at the Range regarding his course for Plainclothes officers   |
|          | 1100 | Insp. Tomioka contacted Sgt Ryan to arrange Range and Force Options training.   |
|          | 1415 | Met with Dr. Azar, Medical Examiner. [REDACTED] had 6 gunshot wounds: A. [REDACTED] B. [REDACTED] (recovered bullet) C. [REDACTED] D. [REDACTED] E. [REDACTED] F. [REDACTED]  |
| 06/13/11 | 1100 | RTD in room 505   |
|          | 1215 | Sgt. Ryan called. Informed him to get Range and Force Options complete before regular duty assignment   |
|          | 1245 | Spoke to Ofc. Spagnoli (Range). He will send me outline via e-mail of his plain clothes course.   |
|          | 1250 | Spoke to Ofc. Seto: Last Force Options for Lieu: 7/17/08 and 5/12/11 Ryan: 4/18/03, 9/10/08 and 12/19/09 Reyes 3/12/09<br><br>Monday 0900 Force Options training set up   |
| 06/15/11 | 1105 | Dropped off RTD PowerPoint at Commission Office   |
|          | 1245 | Received info from Lt. Miller (GTF). <b>All three members have taken his 24-hour plain clothes class: Reyes 12/18/07, Lieu 9/3/08 and Ryan (no date although records indicate he has taken class)</b>   |
|          | 1730 | Police Commission closed door session RTD   |
| 06/21/11 | 0900 | Spoke to Ins. Phil Wong [REDACTED] from CIU. He believed that the spike strips were removed when surveillance was called off but the SFPD tracker was still on the suspect vehicle.   |
| 07/07/11 | 1300 | Rescheduled officer admin interviews due to schedule conflicts: scheduled for 8/4 @ 1530  |
| 07/28/11 | 1015 | Insp. Tomioka and I responded to Auto Return to obtain the SFPD tracking device on the BMW. It was located under the rear area of the vehicle: [REDACTED]<br>Photos were taken.<br>Returned device to Sgt. McKeever at CIU  |
| 08/04/11 | 1530 | Conducted IAD interviews with Ryan and Lieu   |
| 08/05/11 | 1020 | Sent out interviews for IAD transcription and to POA Attorney Pendergast  |
| 02/01/12 | 0715 | Spoke to Nina at ME's office. She will mail ME report today   |
| 02/02/12 | 0600 | Received ME report [REDACTED]   |

**Internal Affairs Division**  
**CHRONOLOGICAL RECORD OF INVESTIGATION**

|          |      |  |
|----------|------|--|
| 02/17/12 | 0935 | Sent e-mail to Sgt Chacon and Ofc. Gomes (CSI) to get 'total station' trajectory report done at impound lot. I have the total station report that was done at scene. |
|          |      |  |
|          |      |  |
|          |      |  |
| 6/9/12   | 0800 | Case reassigned to Insp. Monica Macdonald. Case file reviewed.   |
| 10/17/12 | 0900 | Received Homicide report and DA disposition.   |
| 11/29/12 | 1145 | Spoke to Officer Spagnoli at Lake Merced Range regarding Plainclothes range course attendance for Officers.  |

Report Type: Initial

San Francisco Police Department  
INCIDENT REPORT

110460706

|  |   |  |   |  |
|--|---|--|---|--|
| Incident Number<br>110-460-706   | Occurrence from Date/Time<br>6/7/11 17:23 | Occurrence to Date/Time                            | Reported Date/Time<br>6/7/11 17:25        | CAD Number<br>111582662                        |
| Type of Incident<br>Assault, Aggravated, On Police Off., W/ Other Weapon -04073  |   |  |   |  |
| Location of Occurrence<br>Buena Vista East Av At Intersection with/Premise type<br>Haight St Street, (Not Sidewalk) District<br>PARK |   |  |   |  |
| Confidential Report? <input type="checkbox"/>  | Arrest Made? <input type="checkbox"/>     | Suspect Known? <input checked="" type="checkbox"/> | Suspect Unknown? <input type="checkbox"/> | Non-Suspect Incident? <input type="checkbox"/> |
| Domestic Violence? <input type="checkbox"/> (Type of Weapon Used)  |   |  |   | Reporting Unit<br>3F11D                        |
| Location Sent<br>Same District<br>PARK   |   |  |   |  |
| How Cleared?   | Reported to Bureau<br>Homicide            | Name<br>Cagney                                     | Star<br>341                               | Date/Time<br>6/7/11 17:45                      |
| Elder Victim <input type="checkbox"/>  | Gang Related? <input type="checkbox"/>    | Juvenile Subject? <input type="checkbox"/>         | Prejudice Based? <input type="checkbox"/> |  |

110460706

COPY

|              |   |                    |                         |                       |                         |
|--------------|---|--------------------|-------------------------|-----------------------|-------------------------|
| DECLARATION  | I declare under penalty of perjury, this report of <u>9</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. |                    |                         |                       |                         |
|              | PROP 115 CERTIFIED  |                    | POST TRAINING           |                       | Signature: [Redacted]   |
|              | Reporting Officer<br>Bowers, Karen C  | Star<br>202        | Station<br>Park Station | Watch<br>1600-0200    | Date<br>6/8/11 04:58:52 |
|              | Rev [Redacted]  | STAR               | Station<br>Park Station | Watch<br>16-02        | Date<br>6-8-11          |
|              | OIC<br>Lt. M. Solomon #327  | STAR               | Station<br>Park Station | Watch<br>1530-1230    | Date<br>6/8/11          |
| Related Case |   | Related Case       | Re-Assigned to<br>HOMI  | Assigned by<br>KB 202 |                         |
|              |   | Copies to<br>5G200 | Add'l Copies            |                       |                         |

|        |  |   |  |      |  |  |                         |             |                    |
|--------|--|---|--|------|--|--|-------------------------|-------------|--------------------|
| VICTIM | Code<br>V 1                                  | Name (Last, First Middle)<br>SFPD, # 734            |  |      |  | Alias  |                         |             |                    |
|        | Day Phone<br>(415) 242-3000                  | Type<br>Work  | Home Address                                 |      |  | City   |                         | State       | Zip Code           |
|        | Night Phone                                  | Type  | Work Address<br>1899 Waller St               |      |  | City<br>San Francisco                                    |                         | State<br>CA | Zip Code<br>94117- |
|        | DOB / Age                                    | DOB Unk. <input type="checkbox"/>                   | or age between and                           | Race | Sex  | Height   | Weight                  | Hair Color  | Eye Color          |
|        | Confidential Person <input type="checkbox"/> | Violent Crime Notification <input type="checkbox"/> | 293 PC Notification <input type="checkbox"/> | Star | Follow-up Form<br>YES <input type="checkbox"/> | Statement<br>YES <input type="checkbox"/>                | Relationship to Subject |             |                    |
|        | School (if Juvenile)                         |   | Injury/Treatment                             |      |  | Other Information/If Interpreter Needed Specify Language |                         |             |                    |

|         |                      |  |                             |                                   |                      |   |                                     |        |                             |      |
|---------|----------------------|--|-----------------------------|-----------------------------------|----------------------|---|-------------------------------------|--------|-----------------------------|------|
| SUSPECT | Code<br>S 1          | Name (Last, First Middle)<br>Doe, John |                             |                                   |                      | ALIAS   |                                     |        |                             |      |
|         | Day Phone            | Type<br>Unknown                        | Home Address<br>Unknown     |                                   |                      | City  |                                     | State  | Zip Code                    |      |
|         | Night Phone          | Type<br>Unknown                        | Work Address<br>Unknown     |                                   |                      | City  |                                     | State  | Zip Code                    |      |
|         | DOB<br>Unknown       | Date of Birth                          | Age                         | or age between and                | Race                 | Sex   | Height                              | Weight | Hair Color                  |      |
|         | SFNO                 | J/D# (if Juvi.)                        | ID Type/Jurisdiction/Number |                                   |                      | ID Type/Jurisdiction/Number                           |                                     |        | ID Type/Jurisdiction/Number |      |
|         | Book Section #1      | Book Section #2                        | Book Section #3             | Book Section #4                   | Book Section #5      | Booking Location                                      |                                     |        |                             |      |
|         | Warrant #            | Court #                                | Action #                    | Dept                              | Enroute to           | CWB Check   | Star                                |        |                             |      |
|         | Warrant Violation(s) |  |                             |                                   |                      | Bail  | Mirandized <input type="checkbox"/> | Star   | Date                        | Time |
|         | Citation #           | Violation(s)                           |                             |                                   |                      | Appear Date/Time                                      | Location of Appearance              |        |                             |      |
|         | Book/Cite Approval   | Star                                   | Mass Arrest Code            | M X-Rays <input type="checkbox"/> | School (if Juvenile) | <input type="checkbox"/> CA Form Booked Copy Attached |                                     |        |                             |      |

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos

Pronounced dead at SFGH at 1805 hours.

SFPD 110460706

000035

# San Francisco Police Department

## ADDITIONAL REPORTEE

**110460706**

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

|  |   |  |                                     |   |      |      |  |  |                         |             |                    |             |
|--|---|--|-------------------------------------|---|------|------|--|--|-------------------------|-------------|--------------------|-------------|
| <b>V<br/>I<br/>C<br/>T<br/>I<br/>M</b> | Code<br>V 2                                     | Name (Last, First Middle)<br>SFPD, # 1632              |                                     |   |      |      |  |  |                         | Alias       |                    | <b>COPY</b> |
|  | Day Phone<br>(415) 242-3000                     | Type<br>Work   | Home Address                        |   |      |      |  |  | City                    | State       | Zip Code           |             |
|  | Night Phone                                     | Type   | Work Address<br>1899 Waller St      |   |      |      |  |  | City<br>San Francisco   | State<br>CA | Zip Code<br>94117- |             |
|  | DOB/  | Age  | DOB<br>Unk <input type="checkbox"/> | or age between<br>AND                           | Race | Sex  | Height                                   | Weight   | Hair Color              | Eye Color   | ID No.             |             |
|  | Confidential<br>Person <input type="checkbox"/> | Violent Crime<br>Notification <input type="checkbox"/> |                                     | 293 PC<br>Notification <input type="checkbox"/> |      | Star | F/U Form<br>YES <input type="checkbox"/> | Statement<br>YES <input type="checkbox"/>                | Relationship to Subject |             |                    |             |
|  | School (if Juvenile)                            |  | Injury/Treatment                    |   |      |      |  | Other Information/If Interpreter Needed Specify Language |                         |             |                    |             |

|  |   |  |                                     |   |      |      |  |  |                         |             |                    |
|--|---|--|-------------------------------------|---|------|------|--|--|-------------------------|-------------|--------------------|
| <b>V<br/>I<br/>C<br/>T<br/>I<br/>M</b> | Code<br>V 3                                     | Name (Last, First Middle)<br>SFPD, # 1934              |                                     |   |      |      |  |  |                         | ALIAS       |                    |
|  | Day Phone<br>(415) 242-3000                     | Type<br>Work   | Home Address                        |   |      |      |  |  | City                    | State       | Zip Code           |
|  | Night Phone                                     | Type   | Work Address<br>1899 Waller St      |   |      |      |  |  | City<br>San Francisco   | State<br>CA | Zip Code<br>94117- |
|  | DOB/  | Age  | DOB<br>Unk <input type="checkbox"/> | or age between<br>AND                           | Race | Sex  | Height                                   | Weight   | Hair Color              | Eye Color   | ID No.             |
|  | Confidential<br>Person <input type="checkbox"/> | Violent Crime<br>Notification <input type="checkbox"/> |                                     | 293 PC<br>Notification <input type="checkbox"/> |      | Star | F/U Form<br>YES <input type="checkbox"/> | Statement<br>YES <input type="checkbox"/>                | Relationship to Subject |             |                    |
|  | School (if Juvenile)                            |  | Injury/Treatment                    |   |      |      |  | Other Information/If Interpreter Needed Specify Language |                         |             |                    |

|  |               |                           |  |  |  |  |  |  |  |  |  |
|--|---------------|---------------------------|--|--|--|--|--|--|--|--|--|
| <b>R<br/>/<br/>W<br/>I<br/>T<br/>N<br/>E<br/>S<br/>S</b> | Code<br>R/W 4 | Name (Last, First Middle) |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
| School (if Juvenile)                                     |               | Injury/Treatment          |  |  |  |  | Other Information/If Interpreter Needed Specify Language |  |  |  |  |

|  |               |                           |  |  |  |  |  |  |  |  |  |
|--|---------------|---------------------------|--|--|--|--|--|--|--|--|--|
| <b>R<br/>/<br/>W<br/>I<br/>T<br/>N<br/>E<br/>S<br/>S</b> | Code<br>R/W 5 | Name (Last, First Middle) |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
|  |               |                           |  |  |  |  |  |  |  |  |  |
| School (if Juvenile)                                     |               | Injury/Treatment          |  |  |  |  | Other Information/If Interpreter Needed Specify Language |  |  |  |  |

SFPD377 B (03/03)

## San Francisco Police Department

110460706

## ADDITIONAL REPORTEE

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

|   |               |                           |  |  |
|---|---------------|---------------------------|--|--|
| R<br>/<br>W<br>I<br>T<br>N<br>E<br>S<br>S | Code<br>R/W 6 | Name (Last, First Middle) |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
| School (if Juvenile)                      |               | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |  |

COPY

|   |               |                           |  |  |
|---|---------------|---------------------------|--|--|
| R<br>/<br>W<br>I<br>T<br>N<br>E<br>S<br>S | Code<br>R/W 7 | Name (Last, First Middle) |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
| School (if Juvenile)                      |               | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |  |

|   |               |                           |  |  |
|---|---------------|---------------------------|--|--|
| R<br>/<br>W<br>I<br>T<br>N<br>E<br>S<br>S | Code<br>R/W 8 | Name (Last, First Middle) |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
| School (if Juvenile)                      |               | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |  |

|   |               |                           |  |  |
|---|---------------|---------------------------|--|--|
| R<br>/<br>W<br>I<br>T<br>N<br>E<br>S<br>S | Code<br>R/W 9 | Name (Last, First Middle) |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
|   |               |                           |  |  |
| School (if Juvenile)                      |               | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |  |

SFPD377 B (03/03)

# San Francisco Police Department

## ADDITIONAL REPORTEE

**110460706**

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

|                          |                      |                           |  |                         |
|--------------------------|----------------------|---------------------------|--|-------------------------|
| <b>R / W I T N E S S</b> | Code<br>R/W 10       | Name (Last, First Middle) |  |                         |
|                          |                      |                           |  | State                   |
|                          |                      |                           |  |                         |
|                          |                      |                           |  |                         |
|                          |                      |                           |  |                         |
|                          |                      |                           |  | Relationship to Subject |
|                          | School (if Juvenile) | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |                         |

|                      |                      |                           |  |                         |
|----------------------|----------------------|---------------------------|--|-------------------------|
| <b>W I T N E S S</b> | Code<br>W 11         | Name (Last, First Middle) |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  | Relationship to Subject |
|                      | School (if Juvenile) | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |                         |

|                      |                      |                           |  |                         |
|----------------------|----------------------|---------------------------|--|-------------------------|
| <b>W I T N E S S</b> | Code<br>W 12         | Name (Last, First Middle) |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  | Relationship to Subject |
|                      | School (if Juvenile) | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |                         |

|                      |                      |                           |  |                         |
|----------------------|----------------------|---------------------------|--|-------------------------|
| <b>W I T N E S S</b> | Code<br>W 13         | Name (Last, First Middle) |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  |                         |
|                      |                      |                           |  | Relationship to Subject |
|                      | School (if Juvenile) | Injury/Treatment          | Other Information/If Interpreter Needed Specify Language |                         |

SFPD377 B (03/03)

**110460706****San Francisco Police Department  
PROPERTY LISTINGS**

|                      |  |  |         |                     |                   |                          |                       |   |
|----------------------|--|--|---------|---------------------|-------------------|--------------------------|-----------------------|---|
| <b>E</b><br><b>1</b> | Code/No<br><b>EVD 1</b>  | Item Description<br><b>statements</b>      |         |                     |                   | Brand<br><b>SFPD</b>     | Model<br><b>377 G</b> |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color               | Narcotics Lab No. | Quantity<br><b>7</b>     | Value                 |   |
|                      | Seized by (Star)   |  |         |                     |                   |                          |                       | From Where  |
|                      | Additional Description/Identifying Numbers<br><b>Witness statements.</b> |  |         |                     |                   |                          |                       |   |
| <b>E</b><br><b>2</b> | Code/No<br><b>EVD 2</b>  | Item Description<br><b>crime scene log</b> |         |                     |                   | Brand<br><b>SFPD</b>     | Model<br><b>28</b>    |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color               | Narcotics Lab No. | Quantity<br><b>1</b>     | Value                 |   |
|                      | Seized by (Star)   |  |         |                     |                   |                          |                       | From Where  |
|                      | Additional Description/Identifying Numbers                               |  |         |                     |                   |                          |                       |   |
| <b>E</b><br><b>3</b> | Code/No<br><b>EVD 3</b>  | Item Description<br><b>blue jeans</b>      |         |                     |                   | Brand<br><b>Wrangler</b> | Model                 |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color<br><b>BLU</b> | Narcotics Lab No. | Quantity                 | Value                 |   |
|                      | Seized by (Star)<br><b>522</b>   |  |         |                     |                   |                          |                       | From Where<br><b>(V2) # 1632 at Park station.</b> |
|                      | Additional Description/Identifying Numbers                               |  |         |                     |                   |                          |                       |   |
|                      | Code/No  | Item Description                           |         |                     |                   | Brand                    | Model                 |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color<br><b>BLU</b> | Narcotics Lab No. | Quantity                 | Value                 |   |
|                      | Seized by (Star)   |  |         |                     |                   |                          |                       | From Where  |
|                      | Additional Description/Identifying Numbers                               |  |         |                     |                   |                          |                       |   |
|                      | Code/No  | Item Description                           |         |                     |                   | Brand                    | Model                 |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color               | Narcotics Lab No. | Quantity                 | Value                 |   |
|                      | Seized by (Star)   |  |         |                     |                   |                          |                       | From Where  |
|                      | Additional Description/Identifying Numbers                               |  |         |                     |                   |                          |                       |   |
|                      | Code/No  | Item Description                           |         |                     |                   | Brand                    | Model                 |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color               | Narcotics Lab No. | Quantity                 | Value                 |   |
|                      | Seized by (Star)   |  |         |                     |                   |                          |                       | From Where  |
|                      | Additional Description/Identifying Numbers                               |  |         |                     |                   |                          |                       |   |
|                      | Code/No  | Item Description                           |         |                     |                   | Brand                    | Model                 |   |
|                      | Serial No.   | Gun Make                                   | Caliber | Color               | Narcotics Lab No. | Quantity                 | Value                 |   |
|                      | Seized by (Star)   |  |         |                     |                   |                          |                       | From Where  |
|                      | Additional Description/Identifying Numbers                               |  |         |                     |                   |                          |                       |   |



# San Francisco Police Department

## VEHICLE INFORMATION

**110460706**

VEHICLE CODES: B -BOOSTED; D -DAMAGED; F -USED FELONY; T -TOWED; U -USED OTHER; V -VANDALIZED; X -STRIPPED

|                     |   |  |                                       |                |                  |   |   |                           |
|---------------------|---|--|---------------------------------------|----------------|------------------|---|---|---------------------------|
| VEHICLE INFORMATION | Code<br>S/R   | Plate No.  | State<br>CA                           | Reg Yr<br>2011 | Plate Type<br>PC | VIN No.<br>[REDACTED]                         | <b>COPY</b>   |                           |
|                     | Veh Year<br>2009  | Make<br>BMW  |                                       |                | Model<br>328 I   |   |   |                           |
|                     | Style<br>Sedan, 2 door  |  |                                       | Color<br>Gray  |                  | Plates/VIN Match?<br><input type="checkbox"/> | Plates Missing?<br>FRONT <input checked="" type="checkbox"/> REAR <input checked="" type="checkbox"/> |                           |
|                     | Condition (Check all that apply)<br>APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/> |  |                                       |                |                  | Damage<br>See narrative                       |   | Point of Entry<br>Unknown |
|                     | Crime Scene Tech.<br>Notified? <input checked="" type="checkbox"/>  | 387 Form Given to<br>Owner? <input type="checkbox"/> | Tow Approved By (Name)<br>Insp Cagney |                | Star<br>341      | Towed to (Name/Address)<br>Auto Return        |   | Tow Check (Name) Star     |
|                     | Hold For<br>Homicide  |  | Other Information                     |                |                  |   |   |                           |
| OWNER               | Registered Owner Business Name/Last Name, First Name<br>[REDACTED]  |  |                                       |                |                  |   | [REDACTED]  |                           |
|                     | [REDACTED]  |  |                                       |                |                  |   | Business Phone<br>[REDACTED]  |                           |

|                     |   |  |                                       |                |                         |  |   |                       |
|---------------------|---|--|---------------------------------------|----------------|-------------------------|--|---|-----------------------|
| VEHICLE INFORMATION | Code<br>D   | Plate No.<br>[REDACTED]                              | State<br>CA                           | Reg Yr<br>2000 | Plate Type<br>PC        | VIN No.<br>[REDACTED]                                    |   |                       |
|                     | Veh Year<br>2000  | Make<br>Ford   |                                       |                | Model<br>Crown Victoria |  |   |                       |
|                     | Style<br>Sedan, 4 door  |  |                                       | Color<br>Gray  |                         | Plates/VIN Match?<br><input checked="" type="checkbox"/> | Plates Missing?<br>FRONT <input type="checkbox"/> REAR <input type="checkbox"/> |                       |
|                     | Condition (Check all that apply)<br>APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/> |  |                                       |                |                         | Damage<br>frnt pas door/ RF fend                         |   | Point of Entry        |
|                     | Crime Scene Tech.<br>Notified? <input type="checkbox"/>   | 387 Form Given to<br>Owner? <input type="checkbox"/> | Tow Approved By (Name)<br>Insp Cagney |                | Star<br>341             | Towed to (Name/Address)<br>Auto Return                   |   | Tow Check (Name) Star |
|                     | Hold For<br>Homicide  |  | Other Information                     |                |                         |  |   |                       |
| OWNER               | Registered Owner Business Name/Last Name, First Name<br>City and County of San Francisco  |  |                                       |                |                         |  | Residence Phone   |                       |
|                     | Residence Address   |  | City                                  |                | State                   | Zip  | Business Phone  |                       |

|                     |  |  |                                       |                |                  |  |   |                       |
|---------------------|--|--|---------------------------------------|----------------|------------------|--|---|-----------------------|
| VEHICLE INFORMATION | Code<br>D  | Plate No.<br>[REDACTED]                              | State<br>OK                           | Reg Yr<br>2011 | Plate Type<br>PC | VIN No.<br>[REDACTED]                                    |   |                       |
|                     | Veh Yr<br>2000   | Make<br>Nissan                                       |                                       |                | Model<br>Altima  |  |   |                       |
|                     | Style<br>Sedan, 4 door   |  |                                       | Color<br>Black |                  | Plates/VIN Match?<br><input checked="" type="checkbox"/> | Plates Missing?<br>FRONT <input type="checkbox"/> REAR <input type="checkbox"/> |                       |
|                     | Condition (Check all that apply)<br>APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/> |  |                                       |                |                  | Damage<br>R/R fen, R bump, L/R fe                        |   | Point of Entry        |
|                     | Crime Scene Tech.<br>Notified? <input type="checkbox"/>  | 387 Form Given to<br>Owner? <input type="checkbox"/> | Tow Approved By (Name)<br>Insp Cagney |                | Star<br>341      | Towed to (Name/Address)<br>Auto Return                   |   | Tow Check (Name) Star |
|                     | Hold For<br>Homicide   |  | Other Information                     |                |                  |  |   |                       |
| OWNER               | Registered Owner Business Name/Last Name, First Name<br>[REDACTED]   |  |                                       |                |                  |  | [REDACTED]  |                       |
|                     | [REDACTED]   |  |                                       |                |                  |  | Business Phone<br>[REDACTED]  |                       |



## San Francisco Police Department

110460706

## VEHICLE INFORMATION

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

|                     |  |                          |                        |        |            |                                     |  |      |
|---------------------|--|--------------------------|------------------------|--------|------------|-------------------------------------|--|------|
| VEHICLE INFORMATION | Code   | Plate No.                | State                  | Reg Yr | Plate Type | VIN No.                             | <b>COPY</b>  |      |
|                     | D  |                          | CA                     | 2011   | PC         |                                     |  |      |
|                     | Veh Year   | Make                     |                        |        |            | Model                               |  |      |
|                     | 1996   | Mazda                    |                        |        |            | Protégé                             |  |      |
|                     | Style  |                          |                        | Color  |            | Plates/VIN Match?                   | Plates Missing?  |      |
|                     | Sedan, 4 door  |                          |                        | Green  |            | <input checked="" type="checkbox"/> | FRONT <input type="checkbox"/> REAR <input type="checkbox"/> |      |
| OWNER               | Condition (Check all that apply)   |                          |                        |        |            | Damage                              | Point of Entry   |      |
|                     | APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/> |                          |                        |        |            | R/R Fender                          |  |      |
|                     | Crime Scene Tech. Notified?  | 387 Form Given to Owner? | Tow Approved By (Name) |        | Star       | Towed to (Name/Address)             | Tow Check (Name)   | Star |
|                     | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | Insp Cagney            |        | 341        | Auto Return                         |  |      |
|                     | Hold For Homicide  |                          | Other Information      |        |            |                                     |  |      |
|                     |  |                          |                        |        |            |                                     |  |      |
| OWNER               | Registered Owner Business Name/Last Name, First Name   |                          |                        |        |            |                                     |  |      |
|                     |  |                          |                        |        |            |                                     |  |      |
|                     |  |                          |                        |        |            |                                     |  |      |
|                     |  |                          |                        |        |            | Business Phone                      |  |      |

|                     |  |                          |                        |        |            |                                     |  |      |
|---------------------|--|--------------------------|------------------------|--------|------------|-------------------------------------|--|------|
| VEHICLE INFORMATION | Code   | Plate No.                | State                  | Reg Yr | Plate Type | VIN No.                             |  |      |
|                     | D  |                          | CA                     | 2011   | CO         |                                     |  |      |
|                     | Veh Year   | Make                     |                        |        |            | Model                               |  |      |
|                     | 2008   | General Motors Corp.     |                        |        |            | Savanah                             |  |      |
|                     | Style  |                          |                        | Color  |            | Plates/VIN Match?                   | Plates Missing?  |      |
|                     | All Others, Explain in Narrative   |                          |                        | Yellow |            | <input checked="" type="checkbox"/> | FRONT <input type="checkbox"/> REAR <input type="checkbox"/> |      |
| OWNER               | Condition (Check all that apply)   |                          |                        |        |            | Damage                              | Point of Entry   |      |
|                     | APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/> |                          |                        |        |            | left rear winbdow/panel             |  |      |
|                     | Crime Scene Tech. Notified?  | 387 Form Given to Owner? | Tow Approved By (Name) |        | Star       | Towed to (Name/Address)             | Tow Check (Name)   | Star |
|                     | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | Insp Cagney            |        | 341        | Auto Return                         |  |      |
|                     | Hold For Homicide  |                          | Other Information      |        |            |                                     |  |      |
|                     |  |                          |                        |        |            |                                     |  |      |
| OWNER               | Registered Owner Business Name/Last Name, First Name   |                          |                        |        |            |                                     |  |      |
|                     |  |                          |                        |        |            |                                     |  |      |
|                     |  |                          |                        |        |            |                                     |  |      |
|                     |  |                          |                        |        |            | Business Phone                      |  |      |

|                     |  |                          |                        |        |            |                          |  |      |
|---------------------|--|--------------------------|------------------------|--------|------------|--------------------------|--|------|
| VEHICLE INFORMATION | Code   | Plate No.                | State                  | Reg Yr | Plate Type | VIN No.                  |  |      |
|                     |  |                          |                        |        |            |                          |  |      |
|                     | Veh Yr   | Make                     |                        |        |            | Model                    |  |      |
|                     |  |                          |                        |        |            |                          |  |      |
|                     | Style  |                          |                        | Color  |            | Plates/VIN Match?        | Plates Missing?  |      |
|                     |  |                          |                        |        |            | <input type="checkbox"/> | FRONT <input type="checkbox"/> REAR <input type="checkbox"/> |      |
| OWNER               | Condition (Check all that apply)   |                          |                        |        |            | Damage                   | Point of Entry   |      |
|                     | APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/> |                          |                        |        |            |                          |  |      |
|                     | Crime Scene Tech. Notified?  | 387 Form Given to Owner? | Tow Approved By (Name) |        | Star       | Towed to (Name/Address)  | Tow Check (Name)   | Star |
|                     | <input type="checkbox"/>   | <input type="checkbox"/> |                        |        |            |                          |  |      |
|                     | Hold For   |                          | Other Information      |        |            |                          |  |      |
|                     |  |                          |                        |        |            |                          |  |      |
| OWNER               | Registered Owner Business Name/Last Name, First Name   |                          |                        |        |            | Residence Phone          |  |      |
|                     |  |                          |                        |        |            |                          |  |      |
| OWNER               | Residence Address  |                          |                        | City   | State      | Zip                      | Business Phone   |      |
|                     |  |                          |                        |        |            |                          |  |      |

San Francisco Police Department  
NARRATIVE**110460706**

On 06/07/2011 at approximately 1723 hours, Officer Lee # 522 and I responded to [REDACTED] Buena Vista East Av as back up for a call of shots fired from 3F135, Sgt Ryan # 734, 3F35C, Officer Lieu # 1632, and 3F35E, Officer Reyes # 1943, who were conducting a plain clothes investigation in the area regarding a stolen vehicle. COPY

While en route 3F204, Lt Solomon # 327, arrived at the scene and requested an ambulance to respond code three to the scene.

On our arrival with 3F114, Sgt Stocker # 2196, we initially blocked off traffic and set up crime scene tape preventing traffic from entering onto Buena Vista East Av from Haight St. 5A56F, Sgt Lederer # 4151, arrived at Haight St and Buena Vista East Av and flagged down a passing American Medical Response (AMR) ambulance, AMR # 971 out of Santa Rosa. The AMR unit responded to the scene to render aid until the San Francisco Fire Department arrived. We were informed at the scene that it was an officer involved shooting in which Sgt Ryan and Officer Lieu had discharged their weapons at the suspect ([REDACTED]). After making sure Sgt Ryan and Officer Lieu were not injured Sgt Kane # 1526 transported them to Park station pending interviews with Homicide Investigators. Officer Reyes was transported to Park station by Officer Maunu # 581.

Officer Lee started (EVD2) crime scene log.

At the crime scene I observed an (DAM2) unmarked San Francisco Police Department (SFPD) vehicle stopped facing south bound in the middle of the roadway in front of [REDACTED] Buena Vista East. I observed two magazines on top of the hood of the unmarked police vehicle. I was later notified by Lt Solomon that he placed the magazines on the hood of the vehicle after they were kicked from their original location which was next to the left front wheel of the unmarked police vehicle. A (S/R1) gray BMW 328 I was also stopped facing south bound in the roadway. The BMW's front right end had made contact with the right rear end of (DAM3) black Nissan parked perpendicular along the west side of Buena Vista East Av. The BMW also made contact with the unmarked SFPD vehicle's front passenger side door. The black Nissan was pushed into the passenger side of a (DAM4) green Mazda parked alongside the Nissan. I observed what appeared to be several bullet holes in the hood and front windshield of the BMW. I observed numerous shell casings scattered around the scene. In the drivers seat of the BMW I observed (S1) [REDACTED] laying face up over the center console with [REDACTED] legs outside the driver's door. [REDACTED] had what appeared to be blood on [REDACTED] midsection. AMR paramedics were attempting to render aid at the time.

Officer 3F43D, Officer Racine # 1856, began preliminary interviews of possible witnesses [REDACTED] nearby. Officer Racine attempted to contact the residents at [REDACTED] Buena Vista East Av to no avail.

3F43D, Officer O'Leary #1927 rode with San Francisco Fire Department (SFFD) Medic # 79 who transported [REDACTED] to San Francisco General Hospital. [REDACTED] was later pronounced dead at 1805 hours by the attending doctors at SFGH. The San Francisco Medical Examiner took custody of the body at SFGH.

Also located at the scene was a (DAM5) yellow GMC van that had been struck by a round. The right rear window was broken and there appeared to be an exit hole on the right rear panel. The van was parked just north of the suspect vehicle along the west side of Buena Vista East Av.

Officer Lee conducted a computer check on the BMW that revealed that it had been reported stolen out of Los Angeles.

Officer Racine attempted to contact [REDACTED] Buena Vista East Av [REDACTED] to no avail. Officer Racine contacted (R/W9) [REDACTED] [REDACTED] stated that [REDACTED] saw the incident occur. See [REDACTED] (EVD1) statement attached. There was no answer to the door at [REDACTED] (W11) [REDACTED]. [REDACTED] would only provide [REDACTED] information and would not make a statement at the time. (R/W5) [REDACTED] and stated that [REDACTED] [REDACTED] See [REDACTED] (EVD1) statement attached.

Officer Racine contacted (W13) [REDACTED] Buena Vista East [REDACTED] [REDACTED] only provided [REDACTED] information and made no statement regarding the incident at the time. Officer Racine attempted to contact [REDACTED] (W12) [REDACTED] was contacted [REDACTED] and would only provide [REDACTED] information. [REDACTED] stated that [REDACTED] (R/W8) [REDACTED] was contacted in [REDACTED] and [REDACTED] provided a (EVD1) statement. (R/W10) [REDACTED] was contacted in [REDACTED] and [REDACTED] provided a (EVD1) statement. (R/W7) [REDACTED] was contacted in [REDACTED] and [REDACTED] provided a (EVD1) statement. (R/W6) [REDACTED] was contacted in [REDACTED] and [REDACTED] provided a (EVD1) written statement. (R/W4) [REDACTED] was contacted in [REDACTED] and [REDACTED] provided a (EVD1) written statement.

In their written statements ([REDACTED]) observed the BMW moving towards the officers when they fired their weapons.

Crime Scene Investigation (CSI) arrived to process the scene and take photographs and video. CSI seized the casings and fragments located at the scene as evidence. CSI utilized the "Total Station" and with the stored information they will prepare a diagram of the incident.

Insp Cagney # 341 along with several other inspectors arrived from the Homicide Detail and took over the criminal investigation.

Per Insp Cagney all five of the involved vehicles were towed to the CSI lot located at Auto Return with a hold for Homicide and followed by 3F43D to maintain the chain of custody.

Officer Lee prepared the Stolen/Recovered vehicle report and faxed it to Auto Status to take the BMW out of the stolen vehicle database and placed a hold for Homicide. See attached.

Sgt Ryan, Officer Lieu, and Officer Reyes were transported separately to Homicide Division where they were later interviewed by investigators.

CSI photographed Officer Lieu's (EVD3) jeans at Homicide Division. Officer Lee later seized the jeans from Officer Lieu and booked them as evidence at Park station.

Officer Lee also booked the statements and the crime scene log at Park station.

Sgt Stocker entered the use of force into the use of force log at Park station.

At the time of this report I was unable to determine the identity of [REDACTED]

# San Francisco Police Department

## INCIDENT REPORT VEHICLE

Supplemental

110460706

|                                      |  |             |  |   |  |   |   |              |  |                                       |                        |  |
|--------------------------------------|--|-------------|--|---|--|---|---|--------------|--|---------------------------------------|------------------------|--|
| 4<br>A<br>D<br>I<br>N<br>G           | Type of Incident<br>STOLEN <input type="checkbox"/> RECOVERED <input checked="" type="checkbox"/> RECOVERED/<br>UNFOUNDED <input type="checkbox"/> LOST <input type="checkbox"/> OTHER <input type="checkbox"/>  |             |  |   | Lost/Stolen Plates<br>FRONT <input type="checkbox"/> REAR <input type="checkbox"/>   |   | GAD Number<br>111582662   |              |  |                                       |                        |  |
|                                      | Type of Vehicle<br>AUTO <input checked="" type="checkbox"/> TRUCK <input type="checkbox"/> MOTORCYCLE <input type="checkbox"/> BOAT <input type="checkbox"/> TRAILER <input type="checkbox"/> OTHER <input type="checkbox"/>   |             |  |   | Type of Weapon Used/Description  |   |   |              |  |                                       |                        |  |
|                                      | Type of Offense Vehicle Taken In<br>Vehicle, Recovered, Stolen outside SF 07055  |             |  |   | Related Case No.   |   | Related Case No.  |              |  |                                       |                        |  |
|                                      | Reporting Unit<br>3F11D  |             | Occurrence from Date/Time<br>6/7/11 18:00  |   | Occurrence To Date/Time  |   | Reported to Police Date/Time<br>6/7/11 18:00  |              |  |                                       |                        |  |
| Location of Occurrence               |  |             |  | Location of Recovery<br>Buena Vista East Av |  | Location Sent To<br>Buena Vista East Av |   |              |  |                                       |                        |  |
| D<br>E<br>C<br>L                     | I DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF _____ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE, OR IS BASED ON INFORMATION AND BELIEF FOLLOWING AN INVESTIGATION OF THE EVENTS AND PARTIES INVOLVED.  |             |  |   |  |   |   |              |  |                                       |                        |  |
|                                      | PROP 115 CERTIFIED POST TRAINING   |             |  |   | Signature: _____   |   |   |              |  |                                       |                        |  |
|                                      | Reporting Officer<br>Lee, Kin Yau King   |             | Star<br>522  |   | Station<br>Park Station  |   | Watch<br>1600-0200  |              | Date<br>6/8/11 00:48:48  |                                       |                        |  |
|                                      | Star<br>2196   |             | Station<br>Park Station  |   | Watch<br>3   |   | Date  |              |  |                                       |                        |  |
| A<br>S<br>S<br>I<br>G<br>N           | Assigned to<br>5C200   |             | Other  |   | Incident code<br>07055   |   | Secondary Codes   |              | Assigned by (Print Initials/Star)<br>KL #522   |                                       |                        |  |
|                                      | Copies to (Name of Units)  |             |  |   |  |   | Date/Time Faxed to Auto Status By<br>6/8/11 00:1 KL #522  |              |  |                                       |                        |  |
| R<br>E<br>T<br>E<br>E                | Code<br>R  |             | Name (Last Name/Firm Name if Business)<br>SFPD #522  |   |  | First Name, Middle                      |   | DOB/         |  | Age                                   |                        |  |
|                                      | Residence Address  |             | City   |   |  | State                                   |   | Zip          |  | Day Phone Type<br>(415) 242-3000 Work |                        |  |
|                                      | Business Address<br>1899 Waller St.  |             | City<br>San Francisco  |   |  | State<br>CA                             |   | Zip<br>94117 |  | Night Phone Type                      |                        |  |
|                                      | Name (Last Name/Firm if Business)  |             | First Name, Middle   |   |  |   |   |              |  | Day Phone Type                        |                        |  |
| V<br>E<br>H<br>I<br>C<br>L<br>E      | Code<br>R  |             | Plate No.  |   | State  |   | Reg Yr.   |              | Plate Type   |                                       | VIN/Hull No.           |  |
|                                      | Motorcycle Engine No.  |             |  |   | Veh Yr.<br>2009  |   | Make<br>BMW   |              | Model<br>328i  |                                       | Style (Car/Boat)<br>2D |  |
|                                      | Boat Hull Material<br>METAL <input type="checkbox"/> WOOD <input type="checkbox"/> PLASTIC <input type="checkbox"/> OTHER <input type="checkbox"/>   |             | Boat Propulsion Type<br>INBOARD <input type="checkbox"/> OUTBOARD <input type="checkbox"/> SAIL <input type="checkbox"/> MANUAL <input type="checkbox"/> OTHER <input type="checkbox"/>                          |   | Boat Length  |   | Other Information<br>Plate given but not on vehicle   |              |  |                                       |                        |  |
|                                      | Was Vehicle Locked?<br>YES <input type="checkbox"/> NO <input type="checkbox"/>  |             | Owner Give Anyone Consent to Drive?<br>YES <input type="checkbox"/> NO <input type="checkbox"/>  |   | Plates not on Vehicle at Time of Theft<br>FRONT <input type="checkbox"/> REAR <input type="checkbox"/>   |   | If New Owner Verified By<br>DMV <input type="checkbox"/> PINK SLIP <input type="checkbox"/> BILL OF SALE <input type="checkbox"/> |              |  |                                       |                        |  |
| S<br>T<br>O<br>L<br>E<br>N           | Suspect Description/ (Attach 377 C and F)  |             |  |   | Tow Check (Name) Star  |   | Other Information   |              |  |                                       |                        |  |
|                                      |  |             |  |   |  |   |   |              |  |                                       |                        |  |
| R<br>E<br>C<br>O<br>V<br>E<br>R<br>E | Outside Agency<br>Los Angeles Police Department North Hollywood  |             |  |   | Phone Number   |   | ORI<br>CA0194215  |              | OCA<br>111511003   |                                       |                        |  |
|                                      | Plate(s) Missing?<br>FRONT <input type="checkbox"/> REAR <input type="checkbox"/>  |             | Plate(s) Switched?<br>FRONT <input type="checkbox"/> REAR <input type="checkbox"/>   |   | Switched Plate No.   |   | State   |              | VIN Condition<br>MATCHES REG <input checked="" type="checkbox"/> ALTERED <input type="checkbox"/> REMOVED <input type="checkbox"/> SWITCHED <input type="checkbox"/> |                                       |                        |  |
|                                      | Point of Entry   |             | Method of Entry<br>SMASHED WINDOWS <input type="checkbox"/> MISSING WINDOWS <input type="checkbox"/> LOCKS FORCED <input type="checkbox"/> LOCKS PUNCHED <input type="checkbox"/> OTHER <input type="checkbox"/> |   |  |   |   |              |  |                                       |                        |  |
|                                      | Vehicle Started By<br>KEY IN IGNITION <input type="checkbox"/> JUMPER WIRES <input type="checkbox"/> CROSSED WIRES <input type="checkbox"/> IGNITION PUNCHED <input type="checkbox"/> OTHER <input type="checkbox"/>   |             |  |   |  |   |   |              | Tow Approved (Name) Star<br>Insp. Cagney 341   |                                       |                        |  |
|                                      | Condition (Check all that apply)<br>APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/>  |             |  |   |  |   | Damage<br>windshield, left & right side of v  |              | Towed to (Name/Address)<br>Auto Return 450 7th St.   |                                       |                        |  |
|                                      | Missing Parts (Check all that apply)<br>ENGINE <input type="checkbox"/> TRANSMISSION <input type="checkbox"/> IGNITION <input type="checkbox"/> WINDOWS <input type="checkbox"/> TRUNK <input type="checkbox"/> HOOD <input type="checkbox"/> BUMPER(S) <input type="checkbox"/><br>SEAT <input type="checkbox"/> RADIO/TAPE/CD <input type="checkbox"/> BATTERY <input type="checkbox"/> WHEELS <input type="checkbox"/> FENDER <input type="checkbox"/> TIRES# <input type="checkbox"/> OTHER <input type="checkbox"/> |             |  |   |  |   |   |              | Recovered Part(s) (Auto Detail Only)   |                                       |                        |  |
|                                      | CSI<br>YES <input checked="" type="checkbox"/>   |             | PHOTO LAB<br>YES <input checked="" type="checkbox"/>   |   | ARREST MADE?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>  |   | Hold for (Unit)<br>HOMICIDE   |              | Other Information<br>Auto Status = Brown   |                                       |                        |  |
|                                      | Name<br>SFPD 110460706   |             | Time   |   | SVS Entries<br>ENTERED <input type="checkbox"/> CLEARED <input type="checkbox"/> LOCATED <input type="checkbox"/> DELETED <input type="checkbox"/> |   | Recovery Notification Made by   |              |  |                                       |                        |  |
| FCN                                  |  | System Down |  | From Date/Time                              |  | To Date/Time                            |   |              |  |                                       |                        |  |

110460706

E00044

## SAN FRANCISCO POLICE DEPARTMENT

## CRIME SCENE LOG

INCIDENT NUMBER:

110460706

PAGE 002

COPY

TYPE OF INCIDENT:

OFFICER INVOLVED SHOOTING - ATTEMPTED HOMICIDE ON A POLICE OFFICER

LOCATION:

BUENA VISTA EAST AVE

DATE/TIME OF INCIDENT:

6/7/11 1722

OFFICER MAINTAINING LOG:

K. LEE

STAR:

522

DATE/TIME LOG STARTED:

6/7/11 1725

RELIEF OFFICER:

M. RACINE

STAR:

1856

DATE/TIME:

6/7/11 2110

| TIME IN | NAME                 | POSITION/TITLE | REASON FOR ENTRY | TIME OUT            |
|---------|----------------------|----------------|------------------|---------------------|
| 1725    | LT. SOLOMAN #327     | LT.            | INVESTIGATION    | 6/8/11<br>0020 Hrs. |
| 1725    | SGT. KANE #1526      | SGT.           | " "              | 1730                |
| 1725    | SGT. STOCKER #2196   | SGT.           | " "              | 6/8/11<br>0020 Hrs. |
| 1725    | OFC. LIEU #1632      | POLICE OFFICER | " "              | 1730                |
| 1725    | SGT. RYAN #734       | SGT.           | " "              | 1730                |
| 1725    | OFC. DAVIES #4086    | POLICE OFFICER | " "              | 2147                |
| 1735    | SFFD B02             | FIRE           | MEDICAL          | 1755                |
| 1735    | SFFD E6              | FIREFIGHTER    | MEDICAL          | 1754                |
| 1730    | AMR 971 SANTA ROSA   | PARAMEDICS     | MEDICAL          | 1748                |
| 1735    | M79 SFFD             | PARAMEDICS     | MEDICAL          | 1739                |
| 1733    | SGT. BURROWS #194    | SGT.           | INVESTIGATION    | 1830                |
| 1730    | OFC. VALIQUETTE #695 | POLICE OFFICER | " "              | 1837                |
| 1725    | SGT. LEDERER #4151   | SGT.           | " "              | 2030                |
| 1728    | E. LEE #1128         | POLICE OFFICER | " "              | 6/8/11<br>0020      |
| 1728    | OFC. EMBODY #1437    | POLICE OFFICER | " "              | 6/8/11<br>0020      |
| 1728    | OFC. RACINE #1856    | POLICE OFFICER | " "              | 6/8/11<br>0020      |
| 1728    | OFC. O'LEARY #1927   | POLICE OFFICER | " "              | 6/8/11<br>0020      |
| 1725    | OFC. REYES #1954     | POLICE OFFICER | " "              | 1745                |
| 1749    | OFC. BROWN #1342     | POLICE OFFICER | " "              | 1810                |
| 1749    | OFC. OLKIEWICZ #443  | POLICE OFFICER | " "              | 6/8/11<br>0020      |
| 1752    | OFC. CASTRO #845     | POLICE OFFICER | " "              | 1832                |
| 1800    | SGT. WONG #168       | SGT.           | " "              | 1832                |
| 1800    | OFC. ROBINSON #907   | POLICE OFFICER | INVESTIGATION    | 1832                |
| 1803    | DC CASHMAN           | DEPUTY CHIEF   | " "              | 1913                |
| 1806    | COMMANDER BIEL #677  | COMMANDER      | " "              | 1936                |
| 1812    | CAPT. MURPHY #2158   | CAPTAIN        | " "              | 1925                |
| 1812    | INSP. CAGNEY #341    | INSP.          | " "              | 2220                |
| 1820    | LT. SAINEZ #1667     | LT.            | " "              | 2222                |



## SAN FRANCISCO POLICE DEPARTMENT

## CRIME SCENE LOG

INCIDENT NUMBER:

110460706

COPY 2

TYPE OF INCIDENT:

/ATTEMPTED HOMICIDE ON A POLICE OFFICER

LOCATION:

BUENA VISTA EAST

DATE/TIME OF INCIDENT:

OFFICER MAINTAINING LOG:

K. LEE

STAR:

522

DATE/TIME LOG STARTED:

6/7/11 1720

RELIEF OFFICER:

M. RACINE

STAR:

1856

DATE/TIME:

6/7/11 2110

| TIME IN | NAME                 | POSITION/TITLE  | REASON FOR ENTRY | TIME OUT |
|---------|----------------------|-----------------|------------------|----------|
| 1833    | COMM ALI #619        | COMMANDER       | INVESTIGATION    | 1913     |
| 1834    | INSP DEAHUNTY #2103  | HOMICIDE        | "                | 2320     |
| 1835    | LT. DANGERFIELD #250 | MEDIA RELATIONS | "                | 2130     |
| 1835    | SGT. ANDRAYCHAK #451 | " "             | "                | 2130     |
| 1845    | DAVID PFEIFER        | DA              | INVESTIGATION    | 1919     |
| 1846    | LT. BRUNEMAN #1784   | CSI             | "                | 0035     |
| 1849    | COMM. TOMIOKA #1113  | 3x400           | "                | 1911     |
| 1849    | CHARLES GALLMAN      | OCC             | "                | 1936     |
| 1850    | WEGGENMAN #725       | CSI             | "                | 2330     |
| 1850    | OFC RODELAS #729     | CSI             | "                | 2330     |
| 1852    | INSP. EVANS #1820    | CSI             | "                | 2330     |
| 1852    | OFC. CUNNINGHAM #270 | CSI             | "                | 2330     |
| 1852    | OFC. GAMBORA #1327   | CSI             | "                | 2330     |
| 1859    | INSP. TOMIOKA #364   | OIS             | "                | 1954     |
| 1859    | SGT. NEVIN #166      | OIS             | INVESTIGATION    | 1954     |
| 1903    | VICTOR HWANG         | SF DA           | "                | 2317     |
| 1907    | JUNE CRAVETT         | SF DA           | "                | 1919     |
| 1909    | LT KERR #1817        | LT              | "                | 1936     |
| 1910    | MCHAMON, EDWARD      | OCC             | "                | 1936     |
| 1911    | CHIEF SMR #887       | CHIEF           | "                | 1913     |
| 1912    | CHIEF CRISOLO        | CHIEF DA        | "                | 1938     |
| 1913    | DA IRVINE #7019      | DA INVEST.      | "                | 2217     |
| 1929    | JIMMY ROSADA #44     | DA              | "                | 2217     |
| 1930    | S. TOM #4186         | CSI             | "                | 2330     |
| 1914    | MULLINS #118         | HE              | "                | 1949     |
| 1955    | INSP PHILPOTT #65    | SHI             | "                | 2221     |
| 2021    | JUNE CRAVETT         | SF DA           | "                | 2031     |

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO.

1110460706

page 1 of 1

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT

DOB / AGE

RESIDENCE PHONE (DAY / NIGHT)

BUSINESS PHONE (DAY/NIGHT)

EVIDENCE ADDRESS (ONLY IF NOT SAN FRANCISCO)

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

COPY

DATE OF STATEMENT

TIME STARTED

TIME COMPLETED

LOCATION WHERE STATEMENT TAKEN

6/7/11

1945

1952

AT SCENE ☒OTHER: ☐

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

Racine #1856

I was walking toward [REDACTED] Buena Vista Avenue East on the sidewalk, coming down the hill when the car with the plain clothes cops in it stopped in the street. They jumped out, pulled their guns and started yelling a lot of "Motherfucker" multiple times pointing their guns at the parked car. They may have said, "get down motherfucker" or "you're going down motherfucker" something with "down" and motherfucker. The [REDACTED] in the parked car drove toward them, hesitated and then put the car in reverse. The cops yelled for [REDACTED] to not move, "Don't move!" and then started shooting at [REDACTED]. I was surprised they were shooting at [REDACTED] body and not the tires.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO.

110460706

page 1 of 1

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT:

DOB / AGE

RESIDENCE PHONE (DAY / NIGHT)

BUSINESS PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / C

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

DATE OF STATEMENT

TIME STARTED

TIME COMPLETED

LOCATION WHERE STATEMENT TAKEN

6/7/11

1857

1905

AT SCENE ☒

OTHER:

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

RACINE #1836

6-7-11

HEARD YELLING OUTSIDE THE BUILDING. VERY LOUD, SHOUTED, ARGUMENTATIVE AND COMMANDING YELLING.

I THEN HEARD A BURST OF GUNFIRE. I WOULD SAY DOZENS OF SHOTS WITHIN 15-20 SECONDS.

I WENT TO THE WINDOW AND SAW POLICE OFFICERS WITH THEIR WEAPONS DRAWN POINTING AT A LATE MODEL, 2-DR BMW. THE BMW HAD HIT THE PASSENGER DOOR OF CURT APPEARED TO BE AN UNMARKED POLICE CAR AND SMASHED INTO A PARKED CAR.

I SAW THE POLICE OPEN THE DRIVER DOOR OF THE BMW AND THE OCCUPANT HAD BLOOD ON [REDACTED] ABDOMIN & LEFT ARM.

[REDACTED] WAS TREATED BY PARAMEDICS AND TAKEN AWAY BY CITY OF SF AMBULANCE

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATE

BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT



SAN FRANCISCO POLICE DEPARTMENT

## INCIDENT REPORT STATEMENT

INCIDENT NO.

1110460706

page 1 of 1

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT

DOB / AGE

RESIDENT PHONE (DAY / NIGHT)

BUSINESS PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

DATE OF STATEMENT

6/7/11

TIME STARTED

1753

TIME COMPLETED

1800

LOCATION WHERE STATEMENT TAKEN

AT SCENE ☒OTHER: ☐

STATEMENT TAKEN BY (NAME / STAR)

RODINE Y856

IN PRESENCE OF

COPY

Approximately 17:20 while in my apt. I heard multiple men yelling "stop, stop, stop." "Show us your hands, show your hands." The [REDACTED] behind the wheel of the car, wearing baseball hat, put [REDACTED] car in reverse and slowly began backing out of parking place. While the police are still yelling "stop, stop" the [REDACTED] put the car in drive. At this point 3 policemen, one in front of the man's car, one behind the car, and one to the left side of car began shooting at the [REDACTED]. Breaking front windshield and side car window. At this point the policeman could not see [REDACTED] hands and continued to yell "Show your hands, show your hands." The [REDACTED] in car put [REDACTED] legs on dash board while [REDACTED] left leg fell out the driver's side window. The [REDACTED] leg went into convulsion then the man fell, slumped over to [REDACTED] right. I never saw the [REDACTED] holding a gun. After [REDACTED] was shot the [REDACTED] car rolled forward into another parking car.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT IS

MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

## SAN FRANCISCO POLICE DEPARTMENT

## INCIDENT REPORT STATEMENT

INCIDENT NO.

110460706

page 1 of 1

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT

RESIDENCE PHONE (DAY/NIGHT) BUSINESS PHONE (DAY/NIGHT)

DATE OF STATEMENT

06/07/11

TIME STARTED

1812

TIME COMPLETED

1819

LOCATION WHERE STATEMENT TAKEN

AT SCENE ☒

OTHER:

STATEMENT TAKEN BY (NAME / STAR)

RACINE #1836

IN PRESENCE OF

I heard men yelling at each other so I went to the window to see some men (3+) shouting for a driver parked on Buena Vista Park to stop — They had guns drawn when telling the driver to stop — The driver did not comply and kept moving car. The men with guns drawn then shot into the car breaking glass and stopping the driver who appeared to be bloodied from some of the shots. At that point the car (a BMW) connected with the unmarked police vehicle and stopped. At that point more SFPD cars arrived along with ENT & SFPD.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

SAN FRANCISCO POLICE DEPARTMENT

## INCIDENT REPORT STATEMENT

INCIDENT NO.

110460706

page 1 of 1

NAME (LAST, FIRST, MI)

DOB / AGE

RESIDENCE PHONE (DAY / NIGHT)

BUSINESS PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

DATE OF STATEMENT

TIME STARTED

TIME COMPLETED

LOCATION WHERE STATEMENT TAKEN

COPY

6/7/11

191.8

1920

AT SCENE ☒OTHER: ☐

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

KACINE #1836

Saw several (3) men in plainclothes yelling at a gray/silver BMW. They had their guns drawn. They yelled not to move, but the car started reversing. At that time, they shot the car many times — through the windshield and hood. The driver in the car was bleeding — and then the paramedics took [redacted] out of the car.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF [redacted] PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

SFPD 110460706

SFPD377 G (095) 000051

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO.

110460706

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT

DATE OF STATEMENT

06-07-11

TIME STARTED

1920

TIME COMPLETED

1940

LOCATION WHERE STATEMENT TAKEN

AT SCENE ☐OTHER ☐

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

COPY

SGT. ERIC LEDERER #4151

I was sitting at home and heard loud shouting - men. I didn't notice at first what they were saying, but then I focused on the fact that they were demanding that someone step out of a car, or come out or something like that. The voices grew louder, so I got up and looked at my window. I saw men I assumed to be police - not in uniform though - next to a unmarked gray sedan parked in the middle of Brannan and Ave East, blocking a gray BMW. The men were shouting at the BMW, for the driver to get out. Then the driver of the BMW started backing up, even though he was blocked in. The men in the street - the police - were yelling for the BMW to stop. Then they started shooting at the BMW. I saw 15 or 30 shots - still yelling to stop, get out, and put hands up. The BMW smashed the trunk of the adjacent car a Chevy, tried to pull forward, then stopped. The yelling and gunshots continued. The shooting stopped. The yelling continued - for someone to put hands up, put hands up, put hands up. I saw the BMW in the BMW sitting still. It was unclear if he had been shot in the car, but I didn't know. Then other officers showed up, and eventually the BMW driver was removed from the car.

I DECLARE, UNDER PENALTY OF PERJURY, THIS

SIGNATURE OF PERSON GIVING STATEMENT

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO.

110460706

page 1 of 1

PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

DATE OF STATEMENT

TIME STARTED

TIME COMPLETED

LOCATION WHERE STATEMENT TAKEN

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

COPY

- I was sitting at Desk  
 → heard shouting outside.  
 → Thought there was a car crash.  
 → looked out of the windows and saw 2 cars stopped in the street, BMW + one other.  
 → A lot of shouting  
 → I think I might remember some one shouting get out of the car  
 → then all three men (cops) opened fire on other car  
 → they continued to shoot at the car and guy in question but no response - [REDACTED] body looked limp to me.  
 → Soon after they approached the car, the door was opened it was visible from the amount of blood over the victims stomach that [REDACTED] had been shot and lost a lot of blood.  
 → then other cop cars + ambulance and fire men arrive.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF [REDACTED]

KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT



S111581289 B 1030 BUENA VISTA EAST AV/HAIGHT ST,SF (D=3F 2 BUENA VISTA EAST/10  
98 HAIGHT) F3  
11:21:34 DP20 ENTRY RP:ATX/[REDACTED]\AD:REF 6245\P[REDACTED]\TX:METALLIC 09 3  
SERIES BMW LP [REDACTED] RECEIVING LOJACK TYPE HIT ON VEH,  
STATIONARY, WILL C/B IF IT MOVES  
11:21:34 DP20 ZIPCODE 94117  
11:21:34 DP20 PRIOR 585 05/29/11 S2595 ( 8 MORE)  
11:23:47 DP11 DISP-ENR 3F13A:P  
11:23:47 DP11 PERS-ID 3F13A <[REDACTED]>LUNDIN MARK [REDACTED] <[REDACTED]>KENNEY  
PRISCILLA D/4133  
11:25:06 K229 MISC 3F13A, [REDACTED]  
[REDACTED]  
11:25:36 K229 MISC [REDACTED]  
[REDACTED]  
11:28:14 DP28 MISC PER [REDACTED] FBI, SANTA ANNA, CALIFORNIA - VEHICLE  
MAY A TWO BANK 211-S IN IRVING, CALIFORNIA - NO GUN WAS  
USED - SUSPECT HAS EVADED PD 4 TIMES USING THIS VEHICLE  
- USE EXTREME CAUTION - IF VEHICLE IS LOCATION THE  
SUSPECT WILL TRY TO GET AWAY  
11:28:32 DP28 SUPP RP:[REDACTED]D:FBI-SANTA ANNA,CALIFORNIA\PH:[REDACTED]  
[REDACTED]\ORIGIN:PD  
11:29:42 DP28 SUPP TX:POSSIBLE NAME OF SUSPECT: [REDACTED] LISTED  
AS [REDACTED] -  
11:30:01 DP28 SUPP TX:HAD A CREW CUT [REDACTED]  
11:30:40 DP11 BACK-ENR 3F13A 3F118:S 3E170:S 3F12A:P  
11:30:40 DP11 PERS-ID 3E170 <[REDACTED]>AHERNE JAMES D/1095  
11:30:40 DP11 PERS-ID 3F12A <[REDACTED]>KAVANAGH GERALYN N/0942 <[REDACTED]>NORTHRIDGE  
JENNIFER L/1156  
11:30:40 K250 BACK-ENR 3F13A 3F44C:P  
11:30:40 K250 PERS-ID 3F44C <[REDACTED]>BARNES TORRIE J/4230 <[REDACTED]>VALIQUETTE  
FRANCIS J/0695  
11:30:52 DP28 UPDATE TYPE:1030-->916 PRI:B-->A UNITS:2-->1  
11:32:16 K229 ONSCENE 3F13A  
11:32:22 DP11 ONSCENE 3F12A  
11:32:46 K250 ONSCENE 3F44C  
11:33:10 DP11 ONSCENE 3E170  
11:33:16 DP28 SUPP TX:- DO RECOVERY WITH HOLD FOR FBI/EVIDENCE AND DNA -  
JUST USE CAUTION IF VEHICLE MAY BE OCCUPIED BY THE  
SUSPECT -  
11:33:40 DP11 MISC 3E170, SEVERAL METALLIC BMW'S HERE  
11:34:47 DP28 SUPP TX:HAVE THE OFFICERS ON SCENE 901 THE FBI AGENT AT THIS  
[REDACTED] OR [REDACTED]  
11:35:06 K250 MISC 3F44C, SFPDMDCCMDLINE MASK: [REDACTED]  
[REDACTED]  
11:38:15 K229 CLEAR [REDACTED]  
11:39:36 K250 MISC [REDACTED]  
[REDACTED]  
11:47:44 K250 CLEAR 3F44C HAN  
11:51:46 DP11 BACK-ENR 3E170 3E77:P  
11:51:46 DP11 PERS-ID 3E77 <[REDACTED]>OSPITAL PAUL/0121 <[REDACTED]>MCBRIDE SCOTT  
L/0148 <[REDACTED]>ALOISE JEFFREY T/1303  
11:52:39 DP11 BACK-ENR 3E170 3E48C:P  
11:52:39 DP11 PERS-ID 3E48C [REDACTED]>MINKEL THOMAS J/1451  
11:54:33 DP11 CLEAR 3F12A HAN  
11:55:15 DP24 SUPP RP:ATX//[REDACTED]\TX:RP CALLING FOR A  
STATUS...STATING VEH STILL SHOWING STATIONARY AT  
10-20.....ADV'D PD ON SCENE...NFI  
12:02:43 K071 MISC 3E77, DL MASK: QUERY 1: IDL1 [REDACTED] QUERY 2: LEWI\OLN\A  
[REDACTED]  
12:03:08 DP11 MISC 3E170, PLAINCLOTHES UNIT WILL SIT ON VEH, HAVE SPOKEN  
W/FBI  
12:03:23 DP31 SUPP RP:[REDACTED]/ATS MOBILE DISPATCH FOR BMW\AD:TLMA-ID #

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[REDACTED]-ATX/CCAS TELEMATICS CALL CENTER\PH: [REDACTED]  
ORIGIN:E911\TX:ANOTHER CALL.....RP TRACKING VEH 851 OUT  
OF [REDACTED] BMW....2009 SPACE GREY 328I COOP  
12:03:43 DP31 SUPP TX:LAST 7 DIG'S OF VIN [REDACTED]  
12:04:24 DP31 SUPP TX:VEH STILL SHOWING 97  
12:05:04 K071 MISC 3E77, SFPDMDCCMDLINE MASK: QUERY 1: LEWI\NAME\A\A  
[REDACTED] QUERY 2:  
\*QN/NAME: [REDACTED]: QUERY  
3: IMQM.CA0380100. [REDACTED] Q-  
UERY 4: IRQVC.CA0380100.NAM/[REDACTED]  
[REDACTED] APP/YQUERY 5: [REDACTED]  
12:05:23 DP31 SUPP RP:[REDACTED]\TX:NO LP FOR VEH  
12:07:01 DP11 CLEAR 3E48C HAN  
12:28:30 K071 CLEAR 3E77 HAN  
12:28:53 DP11 CLEAR 3F118  
12:40:37 DP13 BACK-ONS 3E170 3G35:P 3G135:S  
12:40:37 DP13 PERS-ID 3G35 <[REDACTED]>BRADY PATRICK J/0084  
12:40:37 DP13 PERS-ID 3G135 [REDACTED]>WATTS THOMAS G/1594  
12:52:56 DP11 CLEAR 3E170 HAN  
13:03:53 DP15 BACK-ONS 3G35 5X3:UN 5X1:UN  
13:03:53 DP15 PERS-ID 5X3 <[REDACTED]>CASTRO ADRIANO E/0845  
13:03:53 DP15 PERS-ID 5X1 [REDACTED]>ROBISON MICHAEL R/0907  
13:04:12 DP15 FNLTYPE 5X3 finaltype:916-->1096 pri:A-->B  
13:04:28 DP15 MISC 5X3, UNITS ARE ON B16 RE THIS ASSIGNMENT  
13:31:38 K286 MISC 5X1, PLATE MASK: QUERY 1: IAQV.CA0380100.LIC/[REDACTED] QUE-  
RY 2: IV4 [REDACTED]  
13:40:24 DP13 CLEAR 3G135 HAN  
13:40:46 DP13 CHGLOC 3G35 CO G,SF  
13:55:50 DP05 SUPP RP:[REDACTED] / ATX\TX:ATX CALLING BACK FOR AN UPDATE...ADV'D  
THAT VEH AS NOT BEEN RECOVERED AS YET, RP WILL CB IN AN  
HOUR FOR ANY 10-13  
13:59:49 DP09 CLOC-ONS 3G35 [REDACTED]-BLK CLEMENT ST,SF  
13:59:54 DP09 CLEAR 3G35 HAN  
14:29:08 K286 MISC 5X1, NOW AT HAIGHT / DIVISADERO  
14:36:39 K286 MISC 5X1, PLATE MASK: QUERY 1: IAQV.CA0380100.LIC/[REDACTED] QUE-  
RY 2: IV4 [REDACTED]  
14:54:52 K286 MISC 5X1, PLATE MASK: QUERY 1: IAQV.CA0380100.LIC/[REDACTED] QUE-  
RY 2: IV4 [REDACTED]  
15:26:07 DP11 CLEAR 5X1 HAN  
15:26:07 DP11 CLEAR 5X3  
15:26:07 DP11 CLOSE

## Call Recap:

|           |   |                 |                            |
|-----------|---|-----------------|----------------------------|
| INITIATE: | 11:18:52 06/07/11   | CALL NUMBER:    | #1289                      |
| ENTRY:    | 11:21:34  | CURRENT STATUS: | CLOSED                     |
| DISPATCH: | 11:23:47  | PRIMARY UNIT:   | 3F13A                      |
| ON SCENE: | 11:32:16  | JURISDICTION:   | SP                         |
| CLOSE:    | 15:26:07  | DISPOSITION:    | HAN                        |
| LOCATION: | BUENA VISTA EAST AV/HAIGHT ST,SF (D=3F [REDACTED] BUENA VISTA EAST/[REDACTED] HAIGHT) |                 |                            |
| DAREA:    | 3F  |                 |                            |
| SECTOR:   | F3  | TYPE:           | 1030 --> 1096 SURVEILLANCE |
| RA:       | 654   | PRIORITY:       | B                          |
| FIRE:     | 4246  | PRIOR HISTORY   |                            |

## OPERATOR ASSIGNMENTS:

[REDACTED]

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AS OF 13:40:24:

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S111582536 A 221 [REDACTED] PARNASSUS AV,SF (D=3F HILLWAY AV & 3RD AV) F1

17:06:21 DP31 ENTRY AD:W911-1 CHRISTMAS TREE POINT RD #W911-METRO PCS [REDACTED]  
[REDACTED] P [REDACTED] ORIGIN: [REDACTED]  
17:06:21 DP31 ZIPCODE 94122  
17:06:21 DP31 PRIOR 585 YESTERDAY S1343 (23 MORE)  
17:06:33 DP17 MISC BC'D ON A11  
17:06:36 DP18 MISC BCD ON A16  
17:06:53 DP11 BRDCAST 111582536 A 221 [REDACTED] PARNASSUS AV,SF 10-8: 2R03F 3F00D  
3F11D 3F14D  
17:06:56 DP11 DISP-ENR 3F11D:P  
17:06:56 DP11 PERS-ID 3F11D [REDACTED]>LEE KIN YAU KING/0522 <[REDACTED]>BOWERS  
KENYON C/0202  
17:07:38 DP15 BACK-ENR 3F11D 3F108:S  
17:07:38 DP15 PERS-ID 3F108 <[REDACTED]>KANE GREGORY R/1526  
17:07:45 DP31 SUPP TX:RP SAYS THE VEH WAS LS TWDS HAIGHT STREET ON  
PARNASSUS BUT RP DOESNT UNDERSTAND THOSE STREETS ARE  
PARALLEL  
17:07:49 DP11 BACK-ENR 3F11D 3F35E:P  
17:07:49 DP11 PERS-ID 3F35E [REDACTED]>REYES RUBEN E/1954  
17:07:56 DP11 BACK-ENR 3F11D 3F135:S  
17:08:27 DP31 SUPP TX:DRIVER BRANDISHED GUN...PER THE RP [REDACTED] IS A [REDACTED]  
[REDACTED].ALSO A [REDACTED] WRG WHI SHIRT RED WRITING , PONY  
TAIL IN PASSENGER SEAT... [REDACTED]  
17:09:45 DP31 SUPP RP:"Q" - REF'G 909\TX:RP ALSO SAID THE VEH WAS LS ON  
PARNASSUS TWDS KEZAR, AGAIN RP GOT IRATE WHEN I ADV'D  
[REDACTED] PARNASSUS DOES NOT RUN THAT DIRECTION // RP REFG  
909, 901 IF NEEDED  
17:09:54 DP11 BACK-ENR 3F11D 3F14D:P  
17:09:54 DP11 PERS-ID 3F14D [REDACTED]>LEE EDWIN D/1128 <[REDACTED]>EMBODY OCEAN  
R/1437  
17:10:08 DP11 CLOC-ONS 3F14D 17TH ST/ROOSEVELT WY,SF, [REDACTED] 3ABD SH  
17:10:16 DP11 QUERY Q 3F14D LP [REDACTED]  
17:11:48 DP31 SUPP TX:(LATE ENTRY, RP COULD NOT DESCRIBE THE GUN)  
17:12:55 DP09 QUERY Q 3F14D N [REDACTED]  
17:13:13 DP15 ONSCENE 3F135  
17:13:26 DP09 QUERY Q 3F14D N [REDACTED]  
17:13:33 DP11 CLOC-ONS 3F11D 17TH ST/ROOSEVELT WY,SF  
17:16:25 K196 MISC 3F14D, [REDACTED]  
[REDACTED] QUERY 2:  
[REDACTED].S [REDACTED]  
[REDACTED]  
[REDACTED] 1 [REDACTED]  
[REDACTED]  
17:17:34 DP11 REQCC 3F11D 110460609 assigned  
17:21:24 K318 CLEAR 3F11D REP, NOM TO 221  
17:22:50 K196 CLEAR 3F14D NOM  
17:23:43 DP15 MISC 3F135, C/33 ...  
17:23:49 K196 BACK-ENR 3F135 3F14D:P  
17:23:49 K196 PERS-ID 3F14D <[REDACTED]>LEE EDWIN D/1128 <[REDACTED]>EMBODY OCEAN  
R/1437  
17:23:49 K318 BACK-ENR 3F135 3F11D:P  
17:23:49 K318 PERS-ID 3F11D <[REDACTED]>LEE KIN YAU KING/0522 <[REDACTED]>BOWERS  
KENYON C/0202  
17:23:54 DP11 MISC 3F135, 10-25  
17:24:00 DP11 MISC 3F135, SHOTS FIRED  
17:24:05 DP15 MISC 3F135, SHOTS FIRED ... [REDACTED] PARNASUS  
17:24:09 K198 BACK-ENR 3F135 3F43D:P  
17:24:09 K198 PERS-ID 3F43D [REDACTED]>OLEARY KEVIN S/1927 <[REDACTED]>RACINE MATTHEW  
W/1856  
17:24:23 DP15 BACK-ENR 3F135 3F114:S, C/3  
17:24:23 DP15 PERS-ID 3F114 [REDACTED]>STOCKER STEVEN K/2196  
17:24:28 DP11 ONSCENE 3F108  
17:24:34 DP11 MISC 3F108, KEEP UNITS COMING

17:24:39 DP15 MISC 3F108, 97 ... CONTINUE RESPONSE  
17:24:44 DP11 ONSCENE 3F14D  
17:24:53 K250 BACK-ENR 3F135 3F44C:P  
17:24:53 K250 PERS-ID 3F44C <[REDACTED]>BARNES TORRIE J/4230 <[REDACTED]>VALIQUETTE  
FRANCIS J/0695  
17:24:54 K198 ONSCENE 3F43D  
17:25:09 DP11 MISC 3F108, SH ON SCENE...SLOW DOWN  
17:25:11 DP14 MISC 3F135, SH 97...UNIT SLOW RESPONSE..TAKING 1 OUT OF VEH  
17:25:18 DP15 MISC 3F135, SAFE AVE OF APPROACH ...  
17:25:35 DP17 BACK-ENR 3F135 3X35C:UN 3X35F:UN  
17:25:35 DP17 PERS-ID 3X35C <[REDACTED]>HUI VICTOR K/1370  
17:25:35 DP17 PERS-ID 3X35F <[REDACTED]>HINDS JOSHUA D/1153  
17:25:39 K060 BACK-ENR 3F135 3E3C:P  
17:25:39 K060 PERS-ID 3E3C <[REDACTED]>BROWN DEREK T/1342  
17:26:52 DP11 CLOC-ONS 3F135 BUEN  
17:27:07 DP11 CHGLOC 3F135 BUENA VISTA EAST AV,SF  
17:27:11 DP11 ONSCENE 3F135  
17:27:28 DP11 CLOC-ONS 3F14D BUENA VISTA EAST AV,SF  
17:27:39 DP15 CLOC-ONS 3F44C BUENA VISTA EAST AV/HAIGHT ST, AT THE TOP OF BUENA  
VISTA EAST ... SHUTTING IT DOWN  
17:27:40 DP11 CLOC-ONS 3F108 BUENA VISTA EAST AV,SF  
17:27:48 DP11 MISC 3F108, 408 97  
17:28:09 DP15 MISC 3F108, UNIT BLK OF BUENA VISTA EAST UP HAIGHT UP TO  
DUBOCE IS SHUT DOWN ... 408 IS 97  
17:28:20 DP15 MISC 3F114, CLOSE OFF ALL PED TRAFFIC  
17:28:42 DP11 MISC 3F44C IS ON THE TOP OF HAIGHT, 3F11D IS ON THE BOTTOM OF  
HAIGHT  
17:28:54 DP11 MISC 3F11D, STARTING CRIME SCENE LOG  
17:28:55 DP15 MISC 3F11D, STARTING CRIME SCENE LOG  
17:29:10 DP11 MISC 3F43D, RALLY POINT HAI/BUEN EAST...FOR ENTRY TOT HE  
CRIME SCENE  
17:29:20 DP15 MISC 3F43D, THE RALLY POINT IS AT HAIGHT/BUENA VISTA EAST --  
STARTING THE CRIME SCENE  
17:29:57 DP15 MISC 3F114, CONTINUING THE C/33 ON A6 ONLY  
17:30:06 DP15 MISC 3F43D, HAS THE CRIME SCENE LOG  
17:30:28 DP11 BACK-ENR 3F114 3E47C:P  
17:30:28 DP11 PERS-ID 3E47C <[REDACTED]>MACKENZIE MATTHEW L/2006  
17:31:26 DP11 BACK-ENR 3F114 3E4D:P 3E5D:P  
17:31:26 DP11 PERS-ID 3E4D <[REDACTED]>MAUNU MELVIN K/0581  
17:31:26 DP11 PERS-ID 3E5D <[REDACTED]>OLKIEWICZ MICHAL K/0443  
17:31:26 DP15 MISC 3F114, PARK UNITS WILL BE TIED UP ... GO TO OUTSIDE  
UNITS FOR A'S & B'S  
17:31:31 DP32 MISC FIRE CAD .278 (E06 T06 B02 M79 RC3)  
17:34:01 DP15 CLOC-ONS 3F43D BUE/HAIGHT  
17:34:24 DP15 CLOC-ONS 3F43D BUENA VISTA EAST AV/HAIGHT ST  
17:34:32 DP15 MISC 3F43D, STARTING CPR  
17:35:41 SU03 FNLTYPE finaltype:221-->217  
17:35:53 SU03 MISC BRICC NOTIFIED  
17:36:01 DP15 BACK-ENR 3F43D 5X2:UN, THE EXACT ADDRESS WHERE THIS OCC'D WAS  
BUENA VISTA EAST  
17:36:42 DP15 MISC COMMAND POST IS AT BUENA VISTA EAST/HAIGHT  
17:37:07 DP11 BACK-ONS 3F44C 3F3D:P  
17:37:07 DP11 PERS-ID 3F3D <[REDACTED]>DAVIES PAUL E/4086  
17:37:31 DP17 CLEAR 3X35C HAN  
17:37:33 DP17 CLEAR 3X35F HAN  
17:38:18 DP15 MISC 3F43D, 1/2 OF UNIT WILL BE RIDING W/THE MEDIC TO SFGH  
17:39:32 K257 BACK-ENR 3F114 4T104:UN  
17:39:32 K257 PERS-ID 4T104 <[REDACTED]>SAWYER JASON C/1127  
17:40:22 DP15 BACK-ENR 3F135 1A100:UN 1A200:UN  
17:44:21 DP15 PREEMPT 3F11D  
17:45:10 DP15 PREEMPT 3F108  
17:45:10 DP15 PREEMPT 3F114  
17:45:10 DP15 PREEMPT 3F43D  
17:45:10 DP15 PREEMPT 3F135  
17:45:13 DP15 PREEMPT 1A100  
17:45:13 DP15 PREEMPT 1A200  
17:45:16 DP02 SUPP TX:UCSF PD ADV'D OF 10-13  
17:45:55 DP15 PREEMPT 3F3D  
17:45:55 DP15 PREEMPT 3F35E

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17:45:55 DP15 PREEMPT 3F44C  
17:46:34 DP15 CLEAR 4T104  
17:48:53 DP15 CLEAR 3E5D  
17:52:16 DP11 CHGLOC 3E4D POA,SF  
17:54:01 DP15 CLEAR 3E4D HAN  
17:57:20 DP11 MISC 3F14D, 1/2 STAYING ON THE CRIME SCENE...OTHER 1/2 GOING  
10-8  
17:57:24 DP11 CLEAR 3F14D  
18:08:40 DP15 PREEMPT 5X2  
18:12:50 DP11 PREEMPT 3E3C  
18:14:49 DP15 MISC RELATED CAD #2662  
18:37:13 DP11 CLEAR 3E47C HAN  
18:37:13 DP11 CLOSE

## Call Recap:

INITIATE: 17:05:28 06/07/11 CALL NUMBER: #2536  
ENTRY: 17:06:21 CURRENT STATUS: CLOSED  
DISPATCH: 17:06:56 PRIMARY UNIT: 3F11D  
ON SCENE: 17:13:13 CASE NUMBER: 110460609  
CLOSE: 18:37:13 DISPOSITION: HAN  
LOCATION: PARNASSUS AV,SF (D=3F HILLWAY AV & 3RD AV)  
DAREA: 3F  
SECTOR: F1 TYPE: 221 --> 217 SHOOTING  
RA: 672 PRIORITY: A  
FIRE: 5155 PRIOR HISTORY

## OPERATOR ASSIGNMENTS:

[REDACTED]

[REDACTED]

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18:37:07 K257 CLEAR 4T104 HAN  
18:38:48 DP15 MISC SEE FIRE CAD #278  
18:49:21 DP15 BACK-ENR 3F204 4X400:UN  
18:49:56 DP11 CHGLOC 3F108 HOJ,SF, F/U  
19:04:38 DP11 CLEAR 3F3D  
19:09:02 DP17 CLEAR 5X1 HAN  
19:18:31 DP15 BACK-ENR 1A100 3X400:UN  
19:18:34 DP15 CLEAR 3X400  
19:21:46 DP15 MISC INITIAL TRAFFIC FROM THIS RUN WAS ENTERED IN CAD .2536  
19:48:09 DP15 BACK-ENR 3E3C 3F3D:P  
19:48:09 DP15 PERS-ID 3F3D >DAVIES PAUL E/4086  
19:58:05 K198 MISC 3F43D,  
  
20:17:43 DP15 CHGLOC 3F114 SFGH,SF, P/U UP 3F43D  
20:17:50 DP15 CLOC-ONS 3F43D SFGH  
20:52:02 K198 MISC 3F43D,  
  
21:02:06 DP11 BACK-ENR 3F3D 3E3D:P  
21:02:06 DP11 PERS-ID 3E3D < FUNG ROBERT B/2159  
21:14:55 DP11 CLEAR 3E3C  
21:21:00 DP15 CLOC-ONS 3F14D BUENA VISTA EAST AV/DUBOCE AV  
21:21:23 DP15 CLOC-ONS 3F3D BUENA VISTA EAST AV/DUBOCE AV  
21:46:30 K318 CHGLOC 3F11D PARK STATION,SF  
21:47:25 DP11 CLEAR 3F3D  
22:00:46 K008 CLEAR 3E3D HAN  
23:28:55 DP11 CLEAR 5X102 REP  
23:29:00 DP11 CLEAR 5X2 REP  
23:29:07 DP11 CLEAR 4X400 REP  
23:29:28 DP11 CLEAR 1A100 REP  
23:29:39 DP11 CLEAR 1A200 REP  
23:59:09 DP15 MISC 3F43D, OK LP  
  
06/08/11  
00:03:39 DP15 QUERY Q 3F204  
00:21:22 DP11 BACK-ONS 3F35E 3F35C:P  
00:21:22 DP11 PERS-ID 3F35C < >LIEU ALBERT K/1632  
00:21:28 DP11 CLOC-ONS 3F35C HOJ, FOLLOW-UP  
00:21:37 DP11 CLOC-ONS 3F35E HOJ, FOLLOW-UP  
00:22:02 DP11 CLOC-ONS 3F43D BUENA VISTA EAST AV,SF  
00:22:10 DP11 MISC 3F43D, AT SCENE PER CO F  
00:22:33 DP11 CLOC-ONS 3F114 BUENA VISTA EAST AV,SF, AT SCENE PER CO F  
00:22:41 DP11 CLOC-ONS 3F135 HOJ, FOLLOW-UP  
00:22:50 DP11 MISC 3F204, SHOULD STILL BE AT SCENE  
00:23:26 DP11 MISC 3F14D, STILL ON SCENE  
00:23:32 DP11 MISC 3F11D, ON FOLLOW-UP AT CO F  
00:24:40 DP11 CLOC-ONS 3E4D BUENA VISTA EAST AV/HAIGHT ST, WILL BE HERE AWHILE LONGER  
00:24:52 DP11 MISC 3E5D, STILL AT SCENE PER 3E4D  
00:26:54 DP15 MISC 3F204, BREAKDOWN PERIMETER, STERILIZE, BREAKDOWN ALL TAPE, OPEN UP BUENA VISTA EAST  
00:27:02 DP15 CLEAR 3F204 HAN  
00:27:45 DP11 CLEAR 3E5D REP  
00:28:00 DP11 CLEAR 3E4D REP  
00:50:40 DP15 CLOC-ONS 3F43D 7TH  
01:26:33 DP15 MISC 3F43D, 5 VEH'S SECURED IN THE CSI LOT  
01:26:41 DP15 CHGLOC 3F43D CO F,SF  
01:45:00 DP15 CLOC-ONS 3F14D CO F, PER 3F116

01:45:19 DP15 CLOC-ONS 3F35C CO F, PER 3F116  
01:45:24 DP15 CLOC-ONS 3F35E CO F, PER 3F116  
01:45:33 DP15 CLOC-ONS 3F108 CO F, PER 3F116  
01:45:38 DP15 CLOC-ONS 3F114 CO F, PER 3F116  
01:45:44 DP15 CLOC-ONS 3F135 CO F, PER 3F116  
01:46:22 DP15 CLOC-ONS 5H23 HOJ  
03:05:17 DP11 ONSCENE 3F11D  
03:05:21 DP11 ONSCENE 3F43D  
04:07:58 DP11 CLEAR 3F11D  
04:08:07 DP11 CLEAR 3F14D  
04:08:50 DP11 CLEAR 3F35E  
04:09:20 DP11 CLEAR 3F43D  
04:09:28 DP11 CLEAR 3F108  
04:09:37 DP11 CLEAR 3F114  
04:09:47 DP11 CLEAR 3F135  
04:10:15 DP11 CLEAR 5H23  
04:10:36 DP11 CLEAR 3F35C  
04:10:36 DP11 CLOSE

## Call Recap:

|           |  |                 |              |
|-----------|--|-----------------|--------------|
| INITIATE: | 17:44:21 06/07/11  | CALL NUMBER:    | #2662        |
| ENTRY:    | 17:44:21   | CURRENT STATUS: | CLOSED       |
| DISPATCH: | 17:44:21   | PRIMARY UNIT:   | 3F11D        |
| ON SCENE: | 17:44:21   | CASE NUMBER:    | 110460706    |
| CLOSE:    | 04:10:36 06/08/11  | DISPOSITION:    | REP          |
| LOCATION: | [REDACTED] BUENA VISTA EAST AV,SF (D=3F HAIGHT ST & WALLER ST) |                 |              |
| DAREA:    | 3F   |                 |              |
| SECTOR:   | F3   | TYPE:           | 217 SHOOTING |
| RA:       | 654  | PRIORITY:       | A            |
| FIRE:     | 4247   | PRIOR HISTORY   |              |

[REDACTED]

[REDACTED]

AS OF [REDACTED]  
AS OF [REDACTED]  
AS OF [REDACTED]  
AS OF [REDACTED]  
AS OF [REDACTED]

AS OF [REDACTED]  
AS OF [REDACTED]  
AS OF [REDACTED]  
AS OF [REDACTED]  
AS OF [REDACTED]

CERTIFIED COPY  
of original master file in the  
Office of Custodian of Records  
DO NOT DUPLICATE  
Dept. of Emergency Management  
City & County of San Francisco

|  |  |   |                   |                   |                                |  |                      |
|--|--|---|-------------------|-------------------|--------------------------------|--|----------------------|
| CASE #<br><b>110-460-706</b>   | SAN FRANCISCO POLICE DEPARTMENT<br>CRIME SCENE RESPONSE FORM |   |                   |                   |                                | DATE / TIME RECEIVED                         |                      |
|  |  |   |                   |                   |                                | DATE / TIME REQUESTED                        |                      |
|  | OFFENSE: OIS   | ARREST MADE<br><input type="checkbox"/> | REQ BY<br>SOLOMON | STAR<br>327       | UNIT<br>3F200                  | N/R<br>CARD LEFT<br><input type="checkbox"/> | DATE/TIME<br>/       |
|  | COMPLAINANT<br>SFPD  |   |                   | PHONE<br>242-3000 |                                | RUNDATE<br>06/07/11                          | ARRIVAL TIME<br>1850 |
|  | LOCATION OF RUN<br>Buena Vista East                          |   |                   |                   |                                | CSO / STAR<br>WEGGENMANN / 725 <i>PW</i>     |                      |
| REMARKS / INSTRUCTIONS<br>Gamboa #1327, Tom #4186, Evans #1820, Rodelas #729 |  |   |                   |                   | CSO / STAR<br>CUNNINGHAM / 278 |  |                      |

|         |                             |   |                                       |  |
|---------|-----------------------------|---|---------------------------------------|--|
| PHOTOS: | NO <input type="checkbox"/> | BY C.S.I. <input checked="" type="checkbox"/> | BY PHOTO LAB <input type="checkbox"/> | BY RESPONDING OFFICER <input type="checkbox"/> |
|---------|-----------------------------|---|---------------------------------------|--|

|  |   |  |                            |
|--|---|--|----------------------------|
| LATENT FINGERPRINT PROCESSING RESULTS:   |   |  |                            |
| LATENT PRINTS DEVELOPED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>          | # OF LIFT CARDS                               | PROCESS USED: SEE 235E FORM                    |                            |
| AFIS QUALITY? YES <input type="checkbox"/> NO <input type="checkbox"/> TBD <input type="checkbox"/>                                | AFIS ENTRY DATE: N/A <input type="checkbox"/> | ID MADE: Y <input type="checkbox"/> (SEE 235D) | N <input type="checkbox"/> |
| UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/> |   | AS OF (date) , ,                               |                            |

|                         |
|-------------------------|
| COMMENTS/ NOTES/ P.O.E. |
| See Crime Scene Report. |
|                         |
|                         |
|                         |
|                         |
|                         |
|                         |

|  |   |
|--|---|
| CHECK ALL FORMS ATTACHED TO THIS REPORT:                                       |   |
| <input checked="" type="checkbox"/> FIREARM INFORMATION REPORT (235A)          | <input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B) |
| <input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)                         | <input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)          |
| <input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)                  | <input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)             |
| <input checked="" type="checkbox"/> CRIME SCENE REPORT / NOTES                 | <input checked="" type="checkbox"/> CRIME SCENE DIAGRAM               |
| <input type="checkbox"/> X & Y COORDINATES                                     | <input type="checkbox"/> OTHER  |
| (IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT) |   |



|   |                       |   |
|---|-----------------------|---|
| INCIDENT NUMBER: <b>110-460-706</b>   |                       | <b>SAN FRANCISCO POLICE DEPARTMENT</b><br><b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b><br><br>EVIDENCE PAGE 1 OF 4 |
| <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> Buena Vista East | DATE: <b>06/07/11</b> |   |
| C.S.I.: <b>Weggenmann</b> <i>PW</i>   | STAR: <b>725</b>      |   |

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

| ITEM # | DESCRIPTION   | LOCATION FOUND          | COLL. BY /<br>REC FROM | INIT.<br>STATUS | PROC.<br>USED | LAT.<br>+/- | DATE<br>BOOKED |
|--------|---|-------------------------|------------------------|-----------------|---------------|-------------|----------------|
| 1      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 2      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 3      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 4      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 5      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 6      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 7      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 8      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 9      | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 10     | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 11     | .40 Cal S&W Winchester casing   | Street/Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 12     | Denim Levy pants size <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> , w/belt<br>Stained with blood | Street/Buena Vista East | 278                    | DBF             | N/A           | N/A         | 06/08/11       |

**CHAIN OF CUSTODY**

| ITEM # | DESCRIPTION | RELEASED BY | RECEIVED BY | DATE | TIME |
|--------|-------------|-------------|-------------|------|------|
|        |             |             |             |      |      |
|        |             |             |             |      |      |

SFPD 235E (08/08)

CSI 2 of 12

|                                     |                   |   |
|-------------------------------------|-------------------|---|
| INCIDENT NUMBER: <b>110-460-706</b> |                   | <b>SAN FRANCISCO POLICE DEPARTMENT</b><br><b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b><br><br>EVIDENCE PAGE 2 OF 4 |
| LOCATION:<br>■ Buena Vista East     | DATE:<br>06/07/11 |   |
| C.S.I.:<br>Weggenmann ?W            | STAR:<br>725      |   |

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

| ITEM # | DESCRIPTION                                   | LOCATION FOUND              | COLL. BY /<br>REC FROM | INIT.<br>STATUS | PROC.<br>USED | LAT.<br>+/- | DATE<br>BOOKED |
|--------|---|-----------------------------|------------------------|-----------------|---------------|-------------|----------------|
| 12A    | Various cards and papers                      | pocket of #12 pants         | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 12B    | Three hundred twelve dollars in U.S. currency | pocket of #12 pants         | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 13     | Seat belt clasp end, stained w/blood          | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 14     | Medical debris                                | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 15     | Medical debris                                | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 16     | Cigarette butt, stained with blood            | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 17     | Box (lolite smoking vaporizer)                | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 18     | .40 Cal S&W Winchester casing                 | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 19     | 40 Cal S&W Winchester casing                  | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 20     | 40 Cal S&W Winchester cartridge               | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 21     | 40 Cal S&W Winchester casing                  | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |
| 21A    | Small metal cylinder                          | Street / ■ Buena Vista East | 278                    | B               | N/A           | N/A         | 06/08/11       |

**CHAIN OF CUSTODY**

| ITEM # | DESCRIPTION | RELEASED BY | RECEIVED BY | DATE | TIME |
|--------|-------------|-------------|-------------|------|------|
|        |             |             |             |      |      |
|        |             |             |             |      |      |

CSI 3 of 12

|                                     |                          |   |
|-------------------------------------|--------------------------|---|
| INCIDENT NUMBER: <b>110-460-706</b> |                          | <b>SAN FRANCISCO POLICE DEPARTMENT</b><br><b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b><br><br>EVIDENCE PAGE 3 OF 4 |
| LOCATION:<br>■ Buena Vista East     | DATE:<br><b>06/07/11</b> |   |
| C.S.I.:<br><b>Weggenmann PW</b>     | STAR:<br><b>725</b>      |   |

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

| ITEM # | DESCRIPTION   | LOCATION FOUND            | COLL. BY /<br>REC FROM | INIT.<br>STATUS | PROC.<br>USED | LAT.<br>+/- | DATE<br>BOOKED |
|--------|---|---------------------------|------------------------|-----------------|---------------|-------------|----------------|
| 22     | Bullet fragment   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 23     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 24     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 25     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 26     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 27     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 28     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 29     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 30     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 31     | .40 Cal S&W Winchester casing   | Street / Buena Vista East | 278                    | B               | N/A           | N/A         | 06/8/11        |
| 32     | Empty Sig Sauer P226 magazine   | Hood of police vehicle    | 4186                   | B               | N/A           | N/A         | 06/8/11        |
| 33     | Sig Sauer P226 magazine loaded with two .40 Cal S&W Winchester cartridges | Hood of police vehicle    | 4186                   | B               | N/A           | N/A         | 06/8/11        |

#### CHAIN OF CUSTODY

| ITEM # | DESCRIPTION | RELEASED BY | RECEIVED BY | DATE | TIME |
|--------|-------------|-------------|-------------|------|------|
|        |             |             |             |      |      |
|        |             |             |             |      |      |

SFPD 235E (08/08)

CSI 4 of 12

PW

W

|                                     |                       |   |
|-------------------------------------|-----------------------|---|
| INCIDENT NUMBER: <b>110-460-706</b> |                       | <b>SAN FRANCISCO POLICE DEPARTMENT</b><br><b>C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</b><br><br>EVIDENCE PAGE 4 OF 4 |
| LOCATION: <b>■ Buena Vista East</b> | DATE: <b>06/07/11</b> |   |
| C.S.I.: <b>Weggenmann ?W</b>        | STAR: <b>725</b>      |   |

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

| ITEM # | DESCRIPTION                  | LOCATION FOUND              | COLL. BY /<br>REC FROM | INIT.<br>STATUS | PROC.<br>USED | LAT.<br>+/- | DATE<br>BOOKED |
|--------|------------------------------|-----------------------------|------------------------|-----------------|---------------|-------------|----------------|
| 34     | Bullet fragment              | Sidewalk / Buena Vista East | 4186                   | B               | N/A           | N/A         | 06/08/11       |
| 35     | Bullet fragment              | Sidewalk / Buena Vista East | 4186                   | B               | N/A           | N/A         | 06/08/11       |
| 36     | Bullet fragment              | Sidewalk / Buena Vista East | 4186                   | B               | N/A           | N/A         | 06/08/11       |
| 37     | California license plate (■) | Street / ■ Buena Vista East | 4186                   | B               | N/A           | N/A         | 06/08/11       |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |
|        |                              |                             |                        |                 |               |             |                |

**CHAIN OF CUSTODY**

| ITEM # | DESCRIPTION | RELEASED BY | RECEIVED BY | DATE | TIME |
|--------|-------------|-------------|-------------|------|------|
|        |             |             |             |      |      |
|        |             |             |             |      |      |

SFPD 235E (08/08)

?W 112  
CS1 5 of 12

**SAN FRANCISCO POLICE DEPARTMENT**  
**Crime Scene Investigations Unit**  
**Crime Scene Report**



**Case Number:** 110-460-706

**Location:** ■ Buena Vista East

**Date:** June 7, 2011

**Prepared by:** Sergeant Weggenmann #725

***I. Purpose of Response***

Officer Cunningham #278, Officer Tom #4186, Officer Gamboa #1327, Officer Rodelas #729, Inspector Evans #1820 and I (Sergeant Weggenmann #725) responded to ■ Buena Vista East upon a report of an officer involved shooting incident. We arrived at approximately 1850 hours and met with Lieutenant Soloman #327 who informed us that the suspect in this shooting incident had died. Lieutenant Bruneman #1784 was also on scene.

***II. Scene Description***

The scene of this shooting was outdoors, in the middle of the roadway just opposite ■ Buena Vista East. At this location vehicles are allowed to park along the west curb only, with a dotted line separating single north /south traffic lanes. Buena Vista Park begins just west of this street with residential housing on the east side of the street. It was daylight, clear, cool and extremely windy. Numerous officers were present at the scene which was bordered with yellow police tape.

***III. Observations***

Upon arrival at ■ Buena Vista East I observed a gray Ford Crown Victoria (CA ■ ■ ■ ■ ■) stopped, facing south in the southbound lane of traffic. Its right front door was open, damaged (hyper-extended) and wedged against the left rear of a grey BMW ( ■ ■ ■ ■ ■ ) which was also facing south on Buena Vista East. The entire left side of the BMW was deeply scratched, indicating the Ford's right door had been dragged down the side of the BMW before coming to rest. The BMW's right front was contacting the right rear of a black Nissan ( ■ ■ ■ ■ ■ ). The Nissan appeared to have been pushed by the BMW several feet to the south and up onto the curb. Numerous cartridge casings were on the ground mostly to the east and south of the Ford. There were numerous apparent bullet strikes to the hood, windshield and left side of the BMW. The driver's seat of the BMW was stained with apparent blood. Two magazines were on the hood of the Ford. Lieutenant Soloman told me he had discovered the two magazines on the ground near the Ford and placed them on the hood to prevent them from being damaged or overlooked.

To the north of the vehicles was a yellow GMC van which had an apparent bullet strike on the rear window and, what appeared to be, an exit hole in the right rear window. The apparent bullet strikes to the BMW and GMC indicate the bullets originated from a position or positions south of the two vehicles. The BMW's transmission selector was found in neutral. To the west of the BMW was a vacant parking spot and in that area on the ground was a moderate sized stain of apparent blood, a pair of cut pants stained with apparent blood and numerous pieces of plastic wrappers and other medical debris.

#### ***IV. Evidence Collected/Processed***

Officers Tom and Rodelas placed numbered cones next to all items of evidence. Officers Cunningham and Gamboa took photographs while Inspector Evans video taped the scene. The entire scene was measured and surveyed by Officer Olkiewicz #443 (Northern Station), Officer Tom, Officer Rodelas, Officer Cunningham and myself using the Leica "Total Station". All items of evidence were collected by Officers Cunningham and Tom and secured in the back of their vehicle. The evidence was transported to the Hall of Justice where it was inventoried and booked.

Officer Rodelas responded to the Homicide detail and collected Sergeant Ryan's #734 and Officer Lieu's #1632 Department issued handguns and magazines which he later examined (See firearm reports).

I prepared the scene diagram with the assistance of Sergeant Chacon #638 utilizing Map Scenes software. The items collected are listed on the inventory page and are numbered as they were at the scene as depicted in the photographs and rough notes.

Officer Gomes #911 conducted a trajectory analysis of the BMW. His findings are attached to this report.

**END**

|  |   |  |                         |                    |                                      |  |                             |
|--|---|--|-------------------------|--------------------|--------------------------------------|--|-----------------------------|
| CASE #<br><b>110460706</b>   | <b>SAN FRANCISCO POLICE DEPARTMENT<br/>FIREARM INFORMATION REPORT</b> |  |                         |                    |                                      | DATE / TIME RECEIVED<br><b>06/07/11 2130</b> |                             |
|  |   |  |                         |                    |                                      | DATE / TIME REQUESTED                        |                             |
|  | OFFENSE<br><b>OIS</b>   | ARREST<br>MADE<br><input type="checkbox"/> | REQ BY<br><b>CAGNEY</b> | STAR<br><b>341</b> | UNIT<br><b>5H</b>                    | N/R<br>CARD LEFT<br><input type="checkbox"/> | DATE / TIME<br><b>/</b>     |
|  | COMPLAINANT<br><b>HOMICIDE</b>  |  |                         | PHONE              |                                      | RUNDATE<br><b>06/07/11</b>                   | ARRIVAL TIME<br><b>2130</b> |
|  | LOCATION OF RUN<br><b>HOMICIDE</b>                                    |  |                         |                    |                                      | CSO / STAR<br><b>GAMBOA #1327 (M)</b>        |                             |
| REMARKS / INSTRUCTIONS<br><b>DIGITAL PHOTOS TAKEN AND DOWNLOADED</b> |   |  |                         |                    | CSO / STAR<br><b>CUNNINGHAM #278</b> |  |                             |

|                                   |  |                                  |                                |                                |
|-----------------------------------|--|----------------------------------|--------------------------------|--------------------------------|
| REVOLVER <input type="checkbox"/> | PISTOL <input checked="" type="checkbox"/> | SHOTGUN <input type="checkbox"/> | RIFLE <input type="checkbox"/> | OTHER <input type="checkbox"/> |
|-----------------------------------|--|----------------------------------|--------------------------------|--------------------------------|

|         |                        |                               |                             |
|---------|------------------------|-------------------------------|-----------------------------|
| FIREARM | MAKE: <b>SIG SAUER</b> | MODEL: <b>P226</b>            | SERIAL #: <b>[REDACTED]</b> |
|         | CALIBER: <b>40</b>     | BARREL LENGTH: <b>4 1/2 "</b> | FINISH: <b>BLACK/BLACK</b>  |
|         | NOTES:                 |                               |                             |

|      |  |
|------|--|
| AMMO | HEADSTAMPS: ALL IDENTICAL <input checked="" type="checkbox"/> :      VARIED <input type="checkbox"/> : |
|      | NOTES: <b>WINCHESTER 40 S&amp;W</b>  |

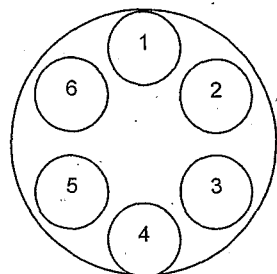
|     |   |
|-----|---|
| DNA | GRIPS PRESERVED: YES <input type="checkbox"/> BY #      NO <input type="checkbox"/> UNK. <input type="checkbox"/> GRIPS SWABBED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
|     | WATER LOT#:      EXP. DATE:      / <b>SWABS BOOKED IN FREEZER: DATE:      BY#</b>   |

**CHECK APPLICABLE BOXES:**

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☒ N ☐ SAFETY ON? Y ☐ N ☐ N/A ☒  
 UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☐ N/A ☒ LATENTS? Y ☐ N ☐  
 PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

|   |  |
|---|--|
| <b>NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:</b>  |  |
| <b>ONE ADDITIONAL MAGAZINE CONTAINED 12 CARTRIDGES. BOTH MAGAZINES WERE MARKED "734".</b>   |  |
| <b>HANDGUNS WERE COLLECTED BY CSI RODELAS #729 WITH RANGEMASTER SGT. POLLITT #610 PRESENT.</b>  |  |
| ADDITIONAL FORMS ATTACHED:  |  |
| <input type="checkbox"/> CSI RESPONSE 235 <input type="checkbox"/> FIREARM REPORT 235A <input type="checkbox"/> EVIDENCE INVENTORY 235E <input type="checkbox"/> OTHER: |  |

REVOLVERS: ROTATION - CW ☐ CCW ☐



1: \*  
2: \*  
3: \*  
4: \*  
5: \*  
6: \*

**MAGAZINE-FED WEAPONS:**

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **11**

TOTAL CARTRIDGES: **12**

**FIREARM & CONTENTS BOOKED ON: 06/08/11 BY # 1327**



|  |   |   |                         |                    |                                   |  |                             |
|--|---|---|-------------------------|--------------------|-----------------------------------|--|-----------------------------|
| CASE #<br><b>110 460 706</b>   | <b>SAN FRANCISCO POLICE DEPARTMENT<br/>FIREARM INFORMATION REPORT</b> |   |                         |                    |                                   | DATE / TIME RECEIVED<br><b>06/07/11 2130</b> |                             |
|  |   |   |                         |                    |                                   | DATE / TIME REQUESTED                        |                             |
|  | OFFENSE<br><b>OIS</b>   | ARREST<br>MADE <input type="checkbox"/> | REQ BY<br><b>CAGNEY</b> | STAR<br><b>341</b> | UNIT<br><b>5H</b>                 | N/R<br>CARD LEFT <input type="checkbox"/>    | DATE/TIME<br><b>/</b>       |
|  | COMPLAINANT<br><b>SFPD</b>  |   |                         | PHONE              |                                   | RUNDATE<br><b>06/07/11</b>                   | ARRIVAL TIME<br><b>2130</b> |
|  | LOCATION OF RUN<br><b>HOMICIDE</b>                                    |   |                         |                    |                                   | CSO / STAR<br><b>CUNNINGHAM #278</b>         |                             |
| REMARKS / INSTRUCTIONS<br><b>DIGITAL PHOTOS TAKEN AND DOWNLOADED</b> |   |   |                         |                    | CSO / STAR<br><b>GAMBOA #1327</b> |  |                             |

|                                   |  |                                  |                                |                                |
|-----------------------------------|--|----------------------------------|--------------------------------|--------------------------------|
| REVOLVER <input type="checkbox"/> | PISTOL <input checked="" type="checkbox"/> | SHOTGUN <input type="checkbox"/> | RIFLE <input type="checkbox"/> | OTHER <input type="checkbox"/> |
|-----------------------------------|--|----------------------------------|--------------------------------|--------------------------------|

|         |                        |                                 |                             |
|---------|------------------------|---------------------------------|-----------------------------|
| FIREARM | MAKE: <b>SIG SAUER</b> | MODEL: <b>P226</b>              | SERIAL #: <b>[REDACTED]</b> |
|         | CALIBER: <b>40</b>     | BARREL LENGTH: <b>4 1/2 IN.</b> | FINISH: <b>BLK/BLK</b>      |
|         | NOTES:                 |                                 |                             |

|      |  |
|------|--|
| AMMO | HEADSTAMPS: ALL IDENTICAL <input checked="" type="checkbox"/> :      VARIED <input type="checkbox"/> : |
|      | NOTES: <b>ALL CARTRIDGES - 'WINCHESTER 40 S&amp;W'</b>   |

|     |   |
|-----|---|
| DNA | GRIPS PRESERVED: YES <input type="checkbox"/> BY #      NO <input type="checkbox"/> UNK. <input type="checkbox"/> GRIPS SWABBED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
|     | WATER LOT#:      EXP. DATE:      / <b>SWABS BOOKED IN FREEZER: DATE:      BY#</b>   |

**CHECK APPLICABLE BOXES:**

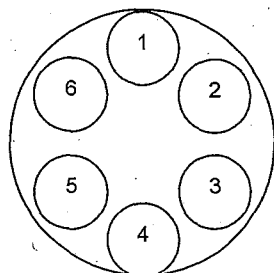
MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐      WEAPON COCKED? Y ☐ N ☒      SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐      PROCESSED? Y ☐ N ☐ N/A ☒      LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

|   |  |
|---|--|
| <b>NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:</b>  |  |
| <b>ONE ADDITIONAL MAGAZINE CONTAINING 12 CARTRIDGES. BOTH MAGAZINES MARKED 'LIEU 1632'. HANDGUNS</b>  |  |
| <b>WERE COLLECTED BY CSI RODELAS #729 WITH RANGEMASTER SGT. POLLITT #610 PRESENT.</b>   |  |
| <b>ADDITIONAL FORMS ATTACHED:</b>   |  |
| <input type="checkbox"/> CSI RESPONSE 235 <input type="checkbox"/> FIREARM REPORT 235A <input type="checkbox"/> EVIDENCE INVENTORY 235E <input type="checkbox"/> OTHER: |  |

REVOLVERS: ROTATION - CW ☐ CCW ☐



1: \*  
2: \*  
3: \*  
4: \*  
5: \*  
6: \*

**MAGAZINE-FED WEAPONS:**

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **11**

TOTAL CARTRIDGES: **12**

**FIREARM & CONTENTS BOOKED ON: 06/08/11 BY # 1327**

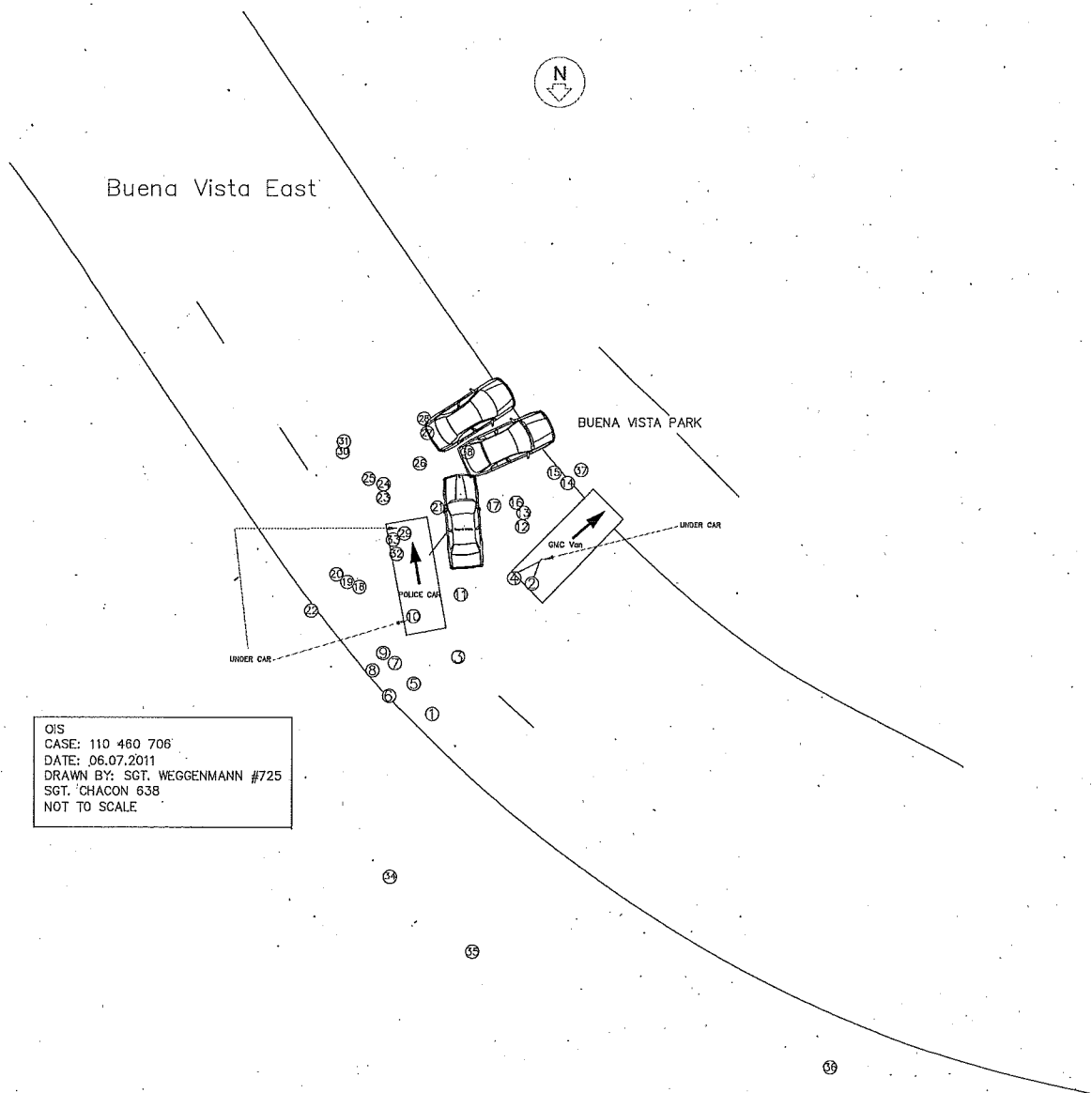
|                        |  |   |                         |                     |                                     |  |                             |
|------------------------|--|---|-------------------------|---------------------|-------------------------------------|--|-----------------------------|
| CASE #<br>110-460-706  | <b>SAN FRANCISCO POLICE DEPARTMENT<br/>CRIME SCENE RESPONSE FORM</b> |   |                         |                     |                                     | DATE / TIME RECEIVED<br><b>06/07/11 0100</b> |                             |
|                        |  |   |                         |                     |                                     | DATE / TIME REQUESTED                        |                             |
|                        | OFFENSE: OIS   | ARREST MADE<br><input type="checkbox"/> | REQ BY<br><b>SAINEZ</b> | STAR<br><b>1667</b> | UNIT<br><b>5H</b>                   | N/R<br><input type="checkbox"/>              | DATE/TIME<br>/              |
|                        | COMPLAINANT<br><b>SFPD</b>   |   |                         | PHONE               |                                     | RUNDATE<br><b>06/08/11</b>                   | ARRIVAL TIME<br><b>0115</b> |
|                        | LOCATION OF RUN<br><b>HOMICIDE UNIT</b>                              |   |                         |                     |                                     | CSO / STAR<br><b>RODELAS/729</b> <i>OR</i>   |                             |
| REMARKS / INSTRUCTIONS |  |   |                         |                     | CSO / STAR<br><b>CUNNINGHAM/278</b> |  |                             |

|         |                             |   |                                       |  |
|---------|-----------------------------|---|---------------------------------------|--|
| PHOTOS: | NO <input type="checkbox"/> | BY C.S.I. <input checked="" type="checkbox"/> | BY PHOTO LAB <input type="checkbox"/> | BY RESPONDING OFFICER <input type="checkbox"/> |
|---------|-----------------------------|---|---------------------------------------|--|

|  |  |   |   |
|--|--|---|---|
| <b>LATENT FINGERPRINT PROCESSING RESULTS:</b>  |  |   |   |
| LATENT PRINTS DEVELOPED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>          |  | # OF LIFT CARDS                               | PROCESS USED: SEE 235E FORM   |
| AFIS QUALITY? YES <input type="checkbox"/> NO <input type="checkbox"/> TBD <input type="checkbox"/>                                |  | AFIS ENTRY DATE: N/A <input type="checkbox"/> | ID MADE: Y <input type="checkbox"/> (SEE 235D) N <input type="checkbox"/> |
| UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/> |  | AS OF (date) , ,                              |   |

|   |
|---|
| COMMENTS/ NOTES/ P.O.E.   |
| LT SAINZ REQUESTED PHOTOS OF OFFICER LIEU AT THE HOMICIDE BUREAU AS HE WAS WEARING    |
| THE CLOTHES HE WORE AT THE TIME OF THE INITIAL INCIDENT. I TOOK PHOTOS AND DOWNLOADED |
| THEM.   |
|   |
|   |
|   |
|   |

|   |   |
|---|---|
| <b>CHECK ALL FORMS ATTACHED TO THIS REPORT:</b>                                       |   |
| <input type="checkbox"/> FIREARM INFORMATION REPORT (235A)                            | <input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B) |
| <input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)                                | <input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)          |
| <input type="checkbox"/> EVIDENCE INVENTORY (235E)                                    | <input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)             |
| <input type="checkbox"/> CRIME SCENE REPORT / NOTES                                   | <input type="checkbox"/> CRIME SCENE DIAGRAM                          |
| <input type="checkbox"/> X & Y COORDINATES  | <input type="checkbox"/> OTHER  |
| (IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN <u>INITIAL</u> C.S.I. REPORT) |   |





San Francisco Police Department  
Forensic Services Division – Criminalistics Laboratory

**Report of Laboratory Examination**

Case Number 110-460-706  
Laboratory Number 11-0364  
Incident Date June 7, 2011  
Requested By Inspector Cagney #341  
Detail / Agency Homicide / SFPD  
Complainant / Victim Unknown  
Suspect [REDACTED]  
Report Date October 17, 2011



Certified Copy

PD  
Initials

4/17/12  
Date

The following evidence was received in the Criminalistics Laboratory on September 14, 2011.

**DESCRIPTION OF EVIDENCE**

**Bags 7 and 8**

Ex. 7-18, 7-19, 7-21,  
7-23 – 7-31, 8-1 –  
8-11

Twenty-three fired 40 Smith and Wesson caliber Winchester cartridge cases

Ex. 7-20

One 40 Smith and Wesson caliber Winchester cartridge

Ex. 7-21a

One steel cylinder

Ex. 7-22

One apparent lead bullet core

Ex. 7-34

One fired copper bullet jacket

Ex. 7-35, 7-36

Two fired copper bullet jacket fragments

**Bag 10 Ex. 10-32**

One magazine

Ex. 10-33

One magazine loaded with  
Two 40 Smith and Wesson caliber Winchester cartridges

**Bag 12 Ex. 12-1**

One 40 Smith and Wesson caliber SigSauer Model P226 semiautomatic pistol,  
serial number [REDACTED]  
Two magazines  
Twenty-four 40 Smith and Wesson caliber Winchester cartridges

**Bag 13 Ex. 13-1**

One 40 Smith and Wesson caliber SigSauer Model P226 semiautomatic pistol,  
serial number [REDACTED]  
Two magazines  
Twenty-four 40 Smith and Wesson caliber Winchester cartridges

**Bag 16 Ex. 16-1**

One fired copper-jacketed bullet

Ex. 16-2

Two apparent bullet fragments

**Bag 22 Ex. 22-1, 22-3,  
22-4, 22-6, 22-9a,  
22-9b**

Six fired copper-jacketed bullets

Ex. 22-2

One fired copper-jacketed bullet  
One apparent lead fragment

Ex. 22-5            One apparent copper-jacketed bullet

Ex. 22-7, 22-9c,  
22-10a            Three apparent lead fragments

Ex. 22-8            One fired copper bullet jacket fragment

Ex. 22-10b        One apparent steel fragment

**PURPOSE OF EXAMINATION**

Standard firearms examination

**RESULTS OF EXAMINATION**

Bags 7, 8, 16, 22

Ex. 7-18, 7-19,  
8-1 – 8-11        The cartridge cases were all fired in the submitted Exhibit 12-1 SigSauer pistol.

Ex. 7-21, 7-23 –  
7-31                The cartridge cases were all fired in the submitted Exhibit 13-1 SigSauer pistol.

Ex. 7-20, 7-21a    The cartridge and cylinder were not examined further.

Ex. 7-22, 22-7,  
16-2, 22-5, 22-9c,  
22-10a            The apparent core, fragments and apparent bullet do not display individual or class characteristics and were not examined further.

Ex. 7-34, 16-1,  
22-1, 22-2, 22-6,  
22-9a, 22-9b      The bullet jacket and bullets were fired from the submitted Exhibit 12-1 SigSauer pistol.

The exhibits were determined to be of 40 caliber displaying rifling characteristics six lands and grooves, right twist.

The apparent lead fragment in Exhibit 22-2 does not display individual or class characteristics and was not examined further.

Ex. 7-35, 7-36,  
22-8                The fragments could neither be identified nor eliminated as having been fired from the same firearm as each other or the submitted Exhibits 12-1 and 13-1 SigSauer pistols.

The exhibits were determined to be of possible 40 / 10mm caliber displaying rifling characteristics of right twist.

Ex. 22-3, 22-4      The bullets were fired from the submitted Exhibit 13-1 SigSauer pistol.

The exhibits were determined to be of 40 caliber displaying rifling characteristics six lands and grooves, right twist.

Ex. 22-10b        The fragment does not appear to be bullet material and was not examined further.

Bag 10 Ex. 10-32, 10-33 The magazines and cartridges were not examined further.

*Mj*

Bag 12 Ex. 12-1

The pistol was examined and found to be functional using one of the submitted magazines.

The trigger pull was determined to be within manufacturer's specifications.

The remaining magazine and cartridges were not examined further.

Bag 13 Ex. 13-1

The pistol was examined and found to be functional using one of the submitted magazines.


The trigger pull was determined to be within manufacturer's specifications.

The remaining magazine and cartridges were not examined further.

**DISPOSITION OF EVIDENCE**

The items will be returned to the property control division.

Examined By:

  
Mark Proia, Criminalist II  
Firearm and Tool Mark Unit

**San Francisco Police**  
**Crime Scene Investigations Unit**  
**Trajectory Examination Report**



Case Number: 110 460 706

Location: [REDACTED] 7<sup>th</sup> Street, Vehicle Impound

Date: 06/19/11

Prepared by: T. Gomes #911

***Purpose of Response***

On June 19, 2011 at approximately 1130 hrs I responded to a request originating from the SFPD homicide detail to examine a vehicle in SFPD police custody for bullet trajectory determinations. The vehicle was involved in an Officer Involved Shooting incident that occurred at [REDACTED] Buena Vista East on June 7, 2011. On June 19 Sergeant Chacon #638 and Officer Najarro #1078 assisted in the examination. Sergeant Chacon assembled and operated the "Leica Nautiz total station" instrument for mapping the vehicle. Officer Najarro and I provided photographic documentation. On June 20, 2011 at 1000hrs Lt. [REDACTED] # [REDACTED] (employed by Vallejo Police Department) came to [REDACTED] 7<sup>th</sup> Street to assist Sergeant Chacon in the use of the total station and all of the data collection (measurements) was made on that day.

***Vehicle and Scene Description***

The vehicle for examination was a 2009, silver-grey, 2-door BMW 328i with [REDACTED] dealer's paper plates attached ([REDACTED]). The vehicle was parked inside the east examination bay at the SFPD vehicle impound lot. The examination bay was enclosed and had garage-like indoor environmental conditions with overhead lighting and heaters. All of the processing occurred inside the examination bay. The vehicle had been transported there from the original incident scene at Buena Vista East and secured in the police facility pending further examination.

***Observations***

I made the following observations on June, 19<sup>th</sup> and 20<sup>th</sup>:

- \* The hood and trunk lid were open.
- \* The passenger door and driver door were ajar.
- \* The sunroof was slid back with an approximate six inch opening.
- \* All four tires were fully inflated.
- \* The left front tire (and wheel) was positioned in a left turn manner while the right front tire was positioned in the straight ahead (non-turning) manner.
- \* The passenger door window was fully up and undamaged.
- \* The fixed right-rear window was undamaged.
- \* The rear window was undamaged.
- \* The fixed left-rear window was shattered apparently due to one bullet entrance defect

Case number: 110 460 706

1 of 9

T. Gomes

A handwritten signature in black ink, appearing to be "T. Gomes", written over a horizontal line.



located on the "B" pillar and one bullet entrance defect on the left side of the window also on the "B" pillar.

- \* The driver side door window was shattered and had fallen away. Glass fragments (tempered glass) were found mainly on the driver's seat, the driver's floorboard, the left-rear floorboard and the left-rear seat cushion.
- \* The front windshield had five apparent bullet entrance defects and one large diameter circular indented damage at the base.
- \* There were patterns of apparent powdery glass fragments on top of the dashboard that corresponded to the defects in the windshield.
- \* The left side mirror housing and parts were damaged and the mirror itself was hanging by wires. The mirror housing was resting on the driver's floorboard.
- \* There were two apparent bullet entrance defects at the base of the left side mirror.
- \* There was one apparent bullet entrance defect on the left A pillar next to the damage on the side mirror base.
- \* There was one apparent bullet entrance defect on the upper portion of the driver's door.
- \* There were two apparent bullet entrance defects and two corresponding bullet exit defect on the right side driver's seat bolster with corresponding entrance defects on the center console.
- \* There were apparent entrance and exit bullet defects on the front passenger seat headrest and a corresponding entrance bullet defect on the right rear passenger seatback.
- \* There was an apparent bullet entrance defect on the interior side of ski-pass through at the rear seat.
- \* There were apparent corresponding bullet entrance and exit defects on the left rear passenger headrest.
- \* The left side of the vehicle from the front of the left front fender to the left rear fender had a continuous linear paint scrape and dent damage.
- \* The left-front corner of the vehicle had apparent collision damage and scrapes.
- \* The right front corner was pushed in, apparent collision damage.
- \* The hood had five apparent bullet entrance defects.
- \* The windshield wipers were stopped in the mid-sweep position, the left wiper blade was detached from the arm and resting at the base of the windshield.
- \* The driver's seatback was tilted forward. The front passenger seatback was in a conventional seated position.
- \* The gear selector was in the park position, the key was in the ignition and the battery was dead.
- \* The airbags were not deployed.
- \* There was apparent blood on the driver's seat and floorboard, center console and left side mirror housing.
- \* There was a grey blanket resting in the area of the right rear passenger seat.
- \* The backseat ski-pass through was open, the front dash drink-holders were deployed.

### ***Examination Results***

Officer Najarro photographed the condition of the vehicle as it was found in the examination bay. Subsequently, I labeled the bullet defects #1 through #5 on the top side of the hood. The defects on the hood all appeared to be entrance-perforations and I

labeled the exit sides on the bottom side of the hood with corresponding numbers #1a through #5a. There also appeared to be corresponding damages to the various plastics engine parts and I labeled those damages as #1b through #5b. The bullet that perforated the hood at defect #3 appeared to have struck the plastic cross-member #3a under the hood that resulted in a secondary projectile composed of the chunked-out section of the plastic cross-member. The plastic chunk-out piece struck the base of the windshield resulting in a large diameter circular fracture #3b (secondary projectile defect). The bullets that perforated the hood and entered the engine compartment **did not** appear to have entered the passenger compartment.

The bullet defects on the windshield were all entrance defects. Those with corresponding defects inside the passenger compartment were examined with the use of probes. Where I was able to determine an apparent bullet path with the probe I labeled the probe with the prefix T and the corresponding defect number (example: T6, T7 etc.). I labeled the defects on the windshield #6 through #10. Four out of the five bullets perforated the windshield and entered the passenger compartment (#6, #7, #8 and #10). #9 penetrated the windshield and the "A" pillar and **did not enter** the passenger compartment. Defect #6 on the windshield corresponded to the entrance defect #6a on the top of the dashboard and the exit defect #6b at the face of the dashboard. The probe used to illustrate the bullet path corresponding to defects #6, #6a and #6b was labeled T6. I did not find any evidence of a corresponding target beyond the dashboard for T6. Defect #7 on the windshield corresponded to a skip mark (deflection) on the top surface of the dashboard and a penetrating defect on the front of the ski-pass through device between the left and right rear passenger seatbacks resulting in the probe labeled T7. Defect #8 on the windshield corresponded to a perforation (entrance and the exit defects) on the right front seat headrest and the entrance defect on the right rear passenger seat back resulting in the probe labeled T8. Defect #10 on the windshield corresponded to a perforation (entrance and exit defects) on the left rear headrest (at the backseat) and resulted in the probe labeled T10.

The three bullets that appeared to have been the cause of defects #11, #12 and #13 **did not** enter the passenger compartment. The bullets terminated in the "A" pillar and the base of the side view mirror. The bullet that appeared to have been the cause of defect #14 penetrated the driver's door and **did not** enter the passenger compartment. The two bullets that appeared to have caused defects #15 and #16 appeared to have terminated in the left "B" pillar and **did not** enter the passenger compartment. I was not able to determine bullet paths for #15 and #16 due to the lack of reliable corresponding impact points.

The two bullets that appeared to have caused defects #17 and #18 appeared to have entered the passenger compartment perforating the driver's seat right bolster and caused corresponding damage on the center console. I labeled the probes used to determine the bullet paths related to defects #17 and #18, T17 and T18 respectively. The bullet paths represented by T17 and T18 appeared to intersect the driver's door window plane. The driver's seat back was originally found in the forward position (in the examination bay) and I was able to move it back into its preset position by simply pushing into place. The seatback angle adjustment is electrically set and the vehicles battery was dead during the examination. The examination was done with the seatback in the preset position but without a simulated person in place.

### ***Evidence Collected***

I collected a total of nine deformed bullets from the following locations:

- \* Top of the engine
- \* The center console
- \* The rear deck
- \* The right –rear seat cushion
- \* The rear bumper
- \* The left “A” pillar
- \* The base of the left side mirror.

I also collected metal fragments which appeared to be fragments of bullets from the following locations:

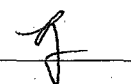
- \* Top of the engine
- \* The left “A” pillar
- \* The right-front seat cushion (see the attached inventory list for further details).

I was not able to recover the bullets possibly hidden in the cavity of the driver’s door and inside the “A” and “B” pillars because extensive damage to the vehicle would have resulted from the extraction process. The evidence recovered was transferred to the Property Control Division on July 4, 2011 where it will be held for possible future examination.

### ***Summary***

The diagram of the vehicle was created using data acquired by Sergeant Chacon using the “total station”. The resulting diagrams depict trajectory lines labeled T6, T7, T8, T10, T17 and T18 which represent the apparent bullet paths that entered the passenger cabin. The bullet paths were determined by virtually connecting corresponding bullet defects and does not take into account any deflection caused by intermediate targets such as the vehicle’s windshield or side window. The bullet paths determinations for T17 and T18 were done with the driver’s seatback in the static position. A person seated in the driver’s seat can inadvertently apply force against the seatback and change the seatback angle by an amount enough to change the measured angles. Therefore, a certain amount of variability in the bullet paths should be taken into account in realizing the results of this report. The bullets that entered the passenger compartment were the only ones that had sufficient corresponding defects to make bullet path determinations. The defects all appeared to have been entrance defects. Where there was not sufficient corresponding impact points to determine bullet paths none were probed and labeled.

***End***



|  |  |  |                            |       |                                   |  |                                |
|--|--|--|----------------------------|-------|-----------------------------------|--|--------------------------------|
| CASE #<br><b>110 460 706</b>   | <b>SAN FRANCISCO POLICE DEPARTMENT<br/>CRIME SCENE RESPONSE FORM</b> |  |                            |       |                                   | DATE / TIME RECEIVED                         |                                |
|  |  |  |                            |       |                                   | DATE / TIME REQUESTED                        |                                |
|  | OFFENSE: <b>OIS</b>  | ARREST<br>MADE<br><input type="checkbox"/> | REQ BY<br><b>DELAHUNTY</b> | STAR  | UNIT<br><b>5H</b>                 | N/R<br>CARD LEFT<br><input type="checkbox"/> | DATE/TIME<br>/                 |
|  | COMPLAINANT<br><b>SFPD</b>   |  |                            | PHONE |                                   | RUNDATE<br><b>06/27/11</b>                   | ARRIVAL TIME<br><b>1130hrs</b> |
|  | LOCATION OF RUN<br><b>7<sup>th</sup> St. Vehicle Impound Lot</b>     |  |                            |       |                                   | CSO / STAR<br><b>GOMES/911</b>               |                                |
| REMARKS / INSTRUCTIONS<br><b>Chacon #638 and [REDACTED] # [REDACTED] Vallejo PD on total station</b> |  |  |                            |       | CSO / STAR<br><b>NAJARRO/1078</b> |  |                                |

|   |
|---|
| PHOTOS:    NO <input type="checkbox"/> BY C.S.I. <input checked="" type="checkbox"/> BY PHOTO LAB <input type="checkbox"/> BY RESPONDING OFFICER <input type="checkbox"/> |
|---|

|  |  |   |  |
|--|--|---|--|
| <b>LATENT FINGERPRINT PROCESSING RESULTS:</b>  |  |   |  |
| LATENT PRINTS DEVELOPED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>          |  | # OF LIFT CARDS                               | PROCESS USED: SEE 235E FORM  |
| AFIS QUALITY? YES <input type="checkbox"/> NO <input type="checkbox"/> TBD <input type="checkbox"/>                                |  | AFIS ENTRY DATE: N/A <input type="checkbox"/> | ID MADE: Y <input type="checkbox"/> (SEE 235D)    N <input type="checkbox"/> |
| UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/> |  | AS OF (date) , ,                              |  |

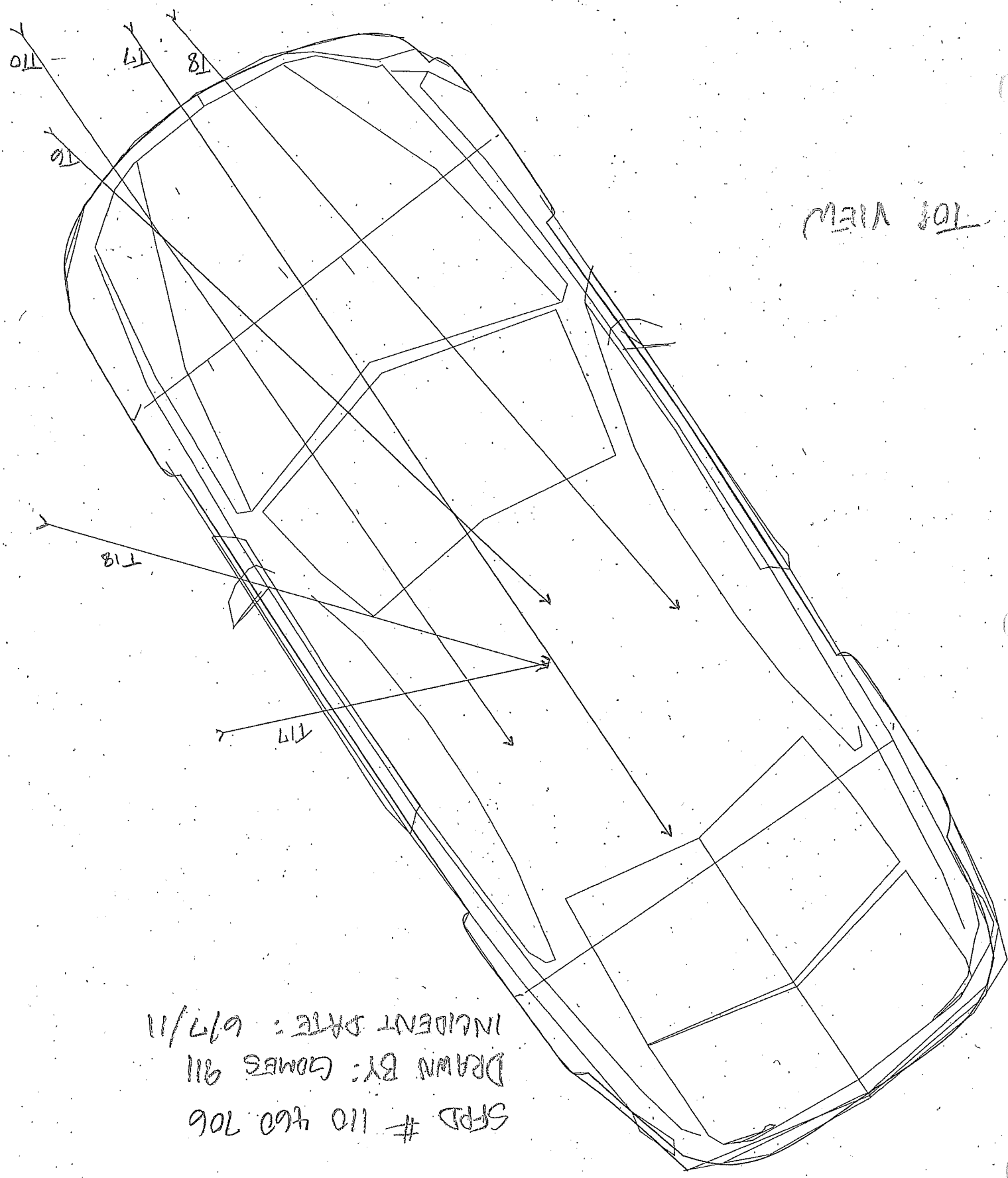
|   |
|---|
| COMMENTS/ NOTES/ P.O.E.<br>Trajectory examination |
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|   |   |
|---|---|
| <b>CHECK ALL FORMS ATTACHED TO THIS REPORT:</b>                                       |   |
| <input type="checkbox"/> FIREARM INFORMATION REPORT (235A)                            | <input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B) |
| <input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)                                | <input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)          |
| <input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)                         | <input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)             |
| <input type="checkbox"/> CRIME SCENE REPORT / NOTES                                   | <input type="checkbox"/> CRIME SCENE DIAGRAM                          |
| <input type="checkbox"/> X & Y COORDINATES  | <input type="checkbox"/> OTHER  |
| (IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN <u>INITIAL</u> C.S.I. REPORT) |   |

| <b>INCIDENT NUMBER:</b><br><div style="text-align: right; font-weight: bold; font-size: 1.2em;">110 460 706</div>                      |                                  | <div style="font-weight: bold; font-size: 1.2em;">SAN FRANCISCO POLICE DEPARTMENT</div> <div style="font-weight: bold; font-size: 1.2em;">C.S.I. EVIDENCE INVENTORY &amp; PROCESSING</div> <div style="margin-top: 20px;">EVIDENCE PAGE 1 OF 1</div> |                        |                 |               |             |                |
|--|----------------------------------|--|------------------------|-----------------|---------------|-------------|----------------|
| <b>LOCATION:</b><br><div style="background-color: black; color: white; padding: 2px 5px;">7<sup>th</sup> Street, Vehicle Impound</div> | <b>DATE:</b><br><b>06/27/11</b>  |  |                        |                 |               |             |                |
| <b>C.S.I.:</b><br>Gomes  | <b>STAR:</b><br><b>911</b>       |  |                        |                 |               |             |                |
| <b>STATUS CODES:</b> B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)                                     |                                  |  |                        |                 |               |             |                |
| <b>PROCESS CODES:</b> BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:                   |                                  |  |                        |                 |               |             |                |
| ITEM #   | DESCRIPTION                      | LOCATION FOUND   | COLL. BY /<br>REC FROM | INIT.<br>STATUS | PROC.<br>USED | LAT.<br>+/- | DATE<br>BOOKED |
| 1  | (1) deformed bullet              | center console   | 911                    | b               | na            | na          | 07/03/11       |
| 2  | (1) deformed bullet              | rear deck, left side   | 911                    | b               | na            | na          | 07/03/11       |
| 3  | (1) deformed bullet              | rear deck, right side  | 911                    | b               | na            | na          | 07/03/11       |
| 4  | (1) deformed bullet              | right rear seat cushion  | 911                    | b               | na            | na          | 07/03/11       |
| 5  | (1) deformed bullet              | rear bumper, right side  | 911                    | b               | na            | na          | 07/03/11       |
| 6  | (1) metal fragment               | right front seat cushion   | 911                    | b               | na            | na          | 07/03/11       |
| 7  | (1) deformed bullet              | top of engine under hole #4b   | 911                    | b               | na            | na          | 07/03/11       |
| 8  | (3) metal fragments              | engine cover next to oil fill  | 911                    | b               | na            | na          | 07/03/11       |
| 9  | (1) deformed bullet and fragment | left A pillar, #11   | 911                    | b               | na            | na          | 07/03/11       |
| 10   | (2) deformed bullets             | left side mirror base, #12&13  | 911                    | b               | na            | na          | 07/03/11       |
|  |                                  |  |                        |                 |               |             |                |
|  |                                  |  |                        |                 |               |             |                |

| CHAIN OF CUSTODY |             |             |             |      |
|------------------|-------------|-------------|-------------|------|
| ITEM #           | DESCRIPTION | RELEASED BY | RECEIVED BY | DATE |
|                  |             |             |             |      |
|                  |             |             |             |      |
|                  |             |             |             |      |
|                  |             |             |             |      |

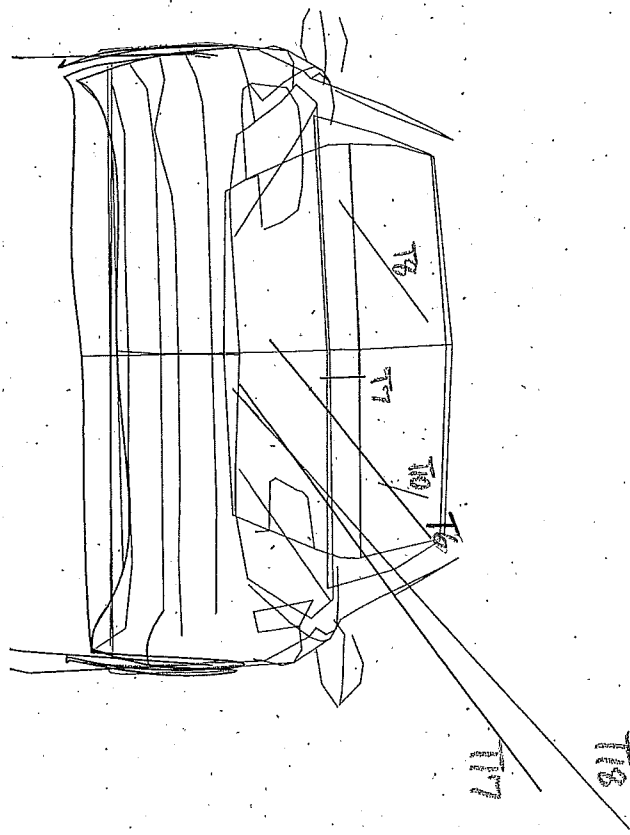
6 of 9



TOP VIEW

SFPD # 110 460 706  
DRAWN BY: GOMES 911  
INCIDENT DATE: 6/7/11

SFPD # 110 460 706  
Drawn By = GAMES 911  
INCIDENT DATE = 6/7/11



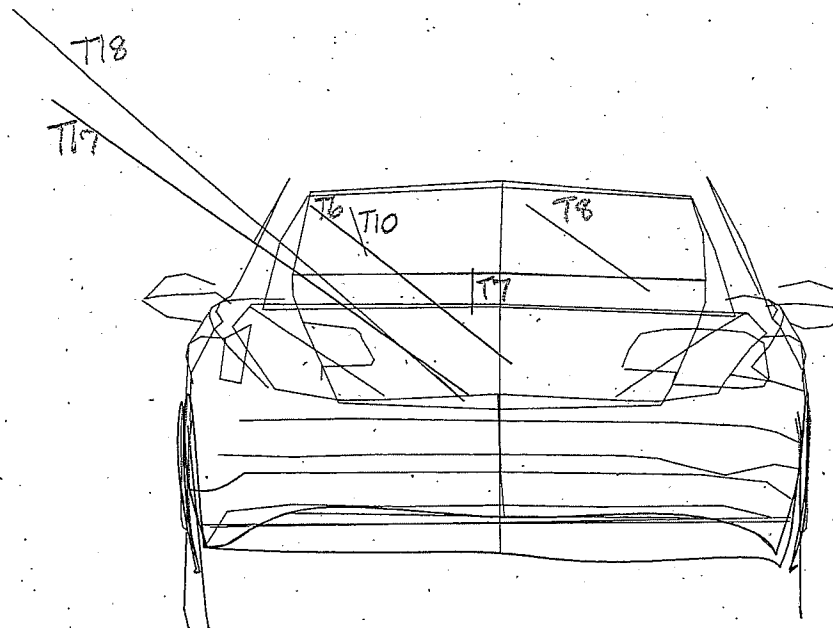
FRONT VIEW

6 10 8

we



SFPD # 110 460 706  
DRAWN BY: GOMEZ 911  
INCIDENT DATE: 6/7/11



REAR VIEW

# NOTES

O.I.S. - 110-460-706

BOTH VEHICLES FACING SOUTH ON BUENA VISTA EAST

RIGHT FRONT DOOR OF POLICE VEHICLE OPEN AND BENT  
FORWARD OVER EXTENDING THE HINGES.

- DRIVERS DOOR WINDOW OF BMW SHATTERED AND BROKEN OUT,
- SMALL WINDOW BEHIND DRIVERS DOOR SHATTERED,

- BMW CONTACTING BLACK NISSAN ALTIMA'S RIGHT REAR WITH  
RIGHT FRONT. NUMEROUS BULLET STRIKES IN HOOD OF BMW  
AND BMW'S WINDSHIELD. DRIVER'S SEAT OF BMW SMEARED  
WITH BLOOD ON SEAT BOTTOM AND CENTER ARM REST.

BACK WINDOW OF YELLOW GMC VAN SHATTERED AND  
EXIT HOLE ON RIGHT SIDE OF VAN.

TO THE WEST OF THE BMW ON THE GROUND WAS A MOBILE  
PHONE BOX, MODERATE BLOOD STAIN, ARTICLE OF CLOTHING, AND  
MEDICAL DEBRIS.

O.I.S.

110-460-706

ARRIVAL: 1850 HRS.

HAIGHT / BUENA VISTA EAST (65)

LT. SOLOMON #

PLAIN CLOTHES VEHICLE (POLICE LICENSE # [REDACTED])

GRAY / AT REST IN THE MIDDLE OF THE STREET, DIRECTLY

IN FRONT OF [REDACTED] BUENA VISTA EAST - CONTACTING

GRAY BMW - [REDACTED], ALSO IN THE STREET.

- CONDITIONS: - DAYLIGHT, CLEAR, VERY WINDY. MILD WEATHER. - RESIDENTIAL AREA. HOUSING ON ONE SIDE OF THE STREET AND BUENA VISTA PARK ON THE OTHER SIDE. CRIME SCENE TAPE ON BOTH INNER AND OUTER PERIMETER. OUTER PERIMETER TAPE AT HAIGHT ST @ BUENA VISTA EAST. ON ONE END AND [REDACTED] BUENA VISTA EAST (EDGE) ON THE OTHER END. - INNER PERIMETER ENCOMPASSED BOTH CARS ON EITHER SIDE.

NUMEROUS CASINGS ON THE GROUND IN THE STREET.

NUMEROUS BULLET STRIKES ON BMW.

O.I.S.

110-460-706





PAPER PLATES IN BACK " [REDACTED] "

WITH MATCHING LICENSE PLATE FRAME.

WINDSHIELD WIPERS STOPPED IN THE DOWN

VERTICAL POSITION (RELATIVE TO HORN RETRACTED POSITION)

DRIVER'S SEAT MIXED BACK

BELOW ON DRIVER'S SEAT CUSHION AND TWO  
SIDE BOLSTERS.

AIRBAGS NOT DEPLOYED.

(1) FRONT + (2) REAR GREY FLOOR MATS IN TRUNK

MISC PAPERS MOSTLY TRASHED INSTRUCTIONS

PASS/FRONT CURTAIN DEPLOYED

POWDERY GLASS FRAGMENT ON DASHBOARD

BACKSEAT SIDE BAGS OPEN

→ PHOTOS OF VEH AS FOUND INSIDE BAY

→ TRUNK & HORN CLOSED FOR TRAFFIC EXAMINATION

TRUNK STORAGE CUBBY EMPTY

58° R/L PASS SEAT RECLINE

L/R HEAD REST PERFORATED → DEBRIS ON

PERFORATED BUTTER RECOVERED ON REAR SEAT

110 460 706

T. Gomez 9/11

NOTES 1 of 7



T. LOMES 911, CHAN-TOTAL STATION, NATARRO - PHOTOS  
1130 HRS SFPD VEH - IMPOUND, 6/27/11, <sup>10:00</sup> 110460706

(1) 2DR BMW GREY 328i INSIDE EVIDENCE BAG:

VEH HAD HOOD OPEN, TRUNK OPEN

PASS. DOOR AJAR, 4-TIRES FULLY INFLATED

DRIVER'S DOOR AJAR - GREY INTERIOR

SUNROOF SLID BACK APPROX. 6" OPENING

PASS WINDOW FULLY UP → TAN SLIP ON TIP OF WINDOR

DRIVER'S WINDOW SHATTERED, SHATTERED REMAINTS ON

DRIVER'S SEAT CUSHION, FRONT/LEFT FLOOR BOARD (DR. SIDE)

L/R FLOOR BOARD, L/R SEAT CUSHION

DRIVER'S SEAT BACK TILTED FORWARD

LARGE GREEN CLOTH BLANKET ON BACK SEAT FROM

R/R PASS SEAT TO BACK SIDE OF DRIVER'S SEAT.

LEFT (DRIVER'S) SIDE MIRROR DAMAGED → MIRROR PORTION

HANGING BY WIRES. FORWARD PORTION OF HOUSING ON

L/F FLOORBOARD. HONDA (MOTOR) BULLET STRUCK IN

HOOD - 5

WINDSHIELD - 5 PLUS (1) LARGE CONCAVE IMPACT

DRIVER'S SIDE MIRROR BASE - 2

DRIVER'S DOOR - 1

L/R SIDE WINDOW - 2

R/F CORNER CRASH DAMAGE → LARGE AREA PUSHED IN

L/F CORNER CRASH DAMAGE → SCRAP

L/F SIDE DAMAGE - SCRAP

LEFT SIDE DAMAGE - SCRAP ON DOOR AND LEFT FENDER

FRONT TIRES TURNED LEFT LEFT SIDE ONLY

R/F TIRE STRAIGHT

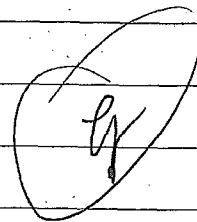
GEAR SELECTOR IN PARK → KEY IN IGNITION

NOTES 2007



T. GUNN 911 110 460 72

#6 PERFORATED WINDSHIELD → PERFORATED  
DASHBOARD KTD PASS CABIN ABOVE  
CENTER CONSOLE → POSSIBLY SERVICE  
DRIVER IN RIGHT SIDE



#7 PERFORATED WINDSHIELD STRUCK TOP OF  
DASHBOARD AT VERY SHALLOW (OBLIQUE) ANGLE  
POSSIBLY DEFLECTED UPWARD AND PENETRATED  
FRONT OF SKI PASS

#8 PERFORATED WINDSHIELD → PERFORATED R/F SEAT  
HEADREST → STRUCK SEATBELT PROBABLY CORRESPONDING  
BULLET REMOVED AT BACK SEAT.

#9 PENETRATED WINDSHIELD GLASS AT EDGE OF  
DRIVERSIDE "A" PILLAR PROBABLY EMBEDDED INSIDE  
"A" PILLAR (NOW PERFORATING)

#10 PERFORATED WINDSHIELD THEN CABIN PERFORATED  
L/R HEADREST PROBABLY TERMINATED LEFT  
REAR DECK.

#11 PENETRATED "A" PILLAR AT DRIVER'S SIDE SIDE  
MIRROR. BULLET TERMINATED INSIDE A PILLAR

#12 PENETRATED MIRROR MOUNT AT "A" PILLAR, BUTYK  
PLASTIC BASE DAMAGED, METAL BASE UNDERNEATH DAMAGED  
W/ CIRCULAR DEFECT. POSSIBLY (BULLET) AT ORIGIN

NOTES 3 OF 7

T. Gunner 110 440 726

LABELLED STRUCKS #1 THRU #18

#3 CORRESPONDS TO DAMAGE UNDER THE HOOD  
THE PLASTIC COVER (BLACK) RUNNING  
ACROSS THE ENGINE. PLASTIC DEBRIS  
MARKED UNDERSIDE OF #3 PHOTOS

#3A ~~BY~~ PLASTIC DAMAGE

3B LARGE CIRCULAR GLASS IMPACT

#1 PERFORATED HOOD STRUCK METAL CROSSMEMBER #1A  
⊖ TRAT.

#2 PERFORATED HOOD STRUCK METAL CROSSMEMBER #2A  
PERFORATION AIR BOX (AIR FILTER) 2B & 2C

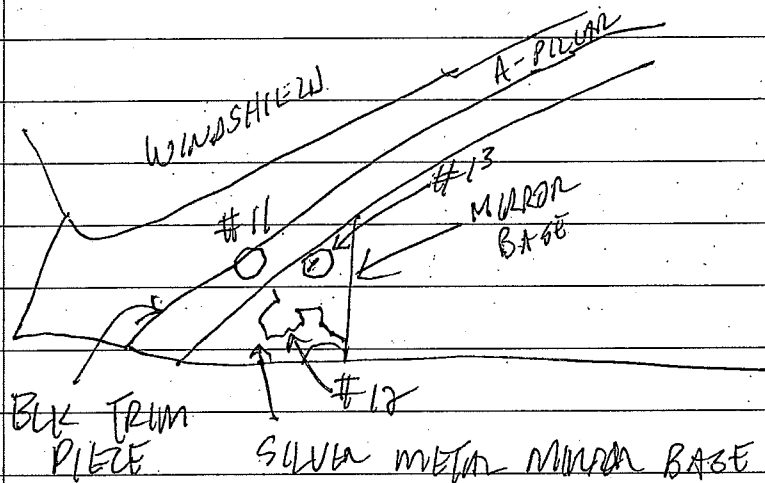
#3 PERFORATED HOOD → SEE ABOVE

#4 PERFORATED HOOD STRUCK PLASTIC BOX AT #4A  
PERFORATED BOX SPILT PLASTIC PANEL 4B TERMINATE  
BULLET REMAINED RESTING UNDER 4B

#5 PERFORATED HOOD STRUCK PLASTIC BOX AT #5A  
PERFORATED BOX AT #5B STRUCK AT #5C  
NEXT TO LEFT WIPER BASE PRESUMED TERMINATION  
BELOW HOOD AT 5C

T. Barnes G/L 110 440 220  
SCENE

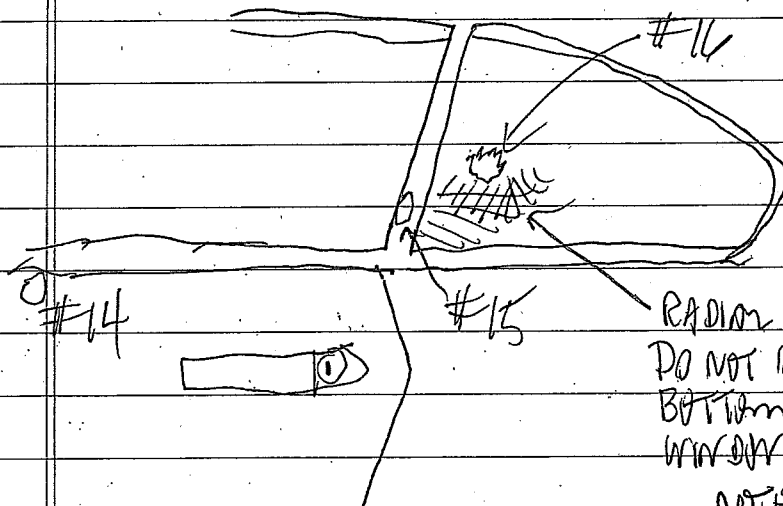
#13 JUST ABOVE #12 TO THE RIGHT OF #11



DEFECT IN RUBBER SURFACE. BULLET PROBABLY TERMINATED INSIDE MIRROR BASE

#14 ON TOP EDGE OF DRIVER'S DOOR BETW MIRROR & DOOR HANDLE. PENETRATING, PROBABLY TERMINATING INSIDE DRIVER'S DOOR CAVITY

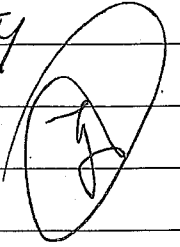
#15 ON "B" PILLAR AT BLK TRIM PIECE TERMINATING INSIDE LEFT "B" PILLAR.



PUSHED OUT BLK METAL TRIM PIECE  
APPEARED SERVICED PRIOR TO #15.

T. LAMMERS 911 110 460 706

#16 PERFORATION L/R SIDE WINDOW - FIXED (NOT MOVABLE)  
PENETRATED "B" PILLAR, TERMINATED INSIDE CAVITY  
OF B PILLAR



#17 WITH SEAT IN THE ORIGINAL POSITION AS INDICATED  
BY THE ELECTRICAL PRESET. PATH PENETRATED RIGHT  
DRIVER'S SEAT BOASTEN PENETRATED CENTER  
CONSOLE POSSIBLY PENETRATED CENTER CONSOLE  
PUSHED OUT SIDE LIGHT AT R/R CENTER CONSOLE

#18 PERFORATION DRIVER'S SEAT RIGHT BOASTEN  
PENETRATED CENTER CONSOLE IFD ASHTRAY LEFT  
MARKS IN ASHTRAY COVER (MOVABLE)

~~~~~ CASE # CORRECTION DAVE VIA WILHE SCHAFER

YELLOW & PINK PROBES USED TO DETERMINE  
POSSIBLE BULLET PATHS.

#1, #2, #3, #4, #5

ALL ENTRANCE DEFECTS, ALL PERFORATIONS, ALL  
WITH CORRESPONDING DEFECTS INSIDE THE VEHICLE

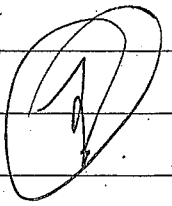
ON 6/27/11 @ 1000 HRS LT. [REDACTED] OF  
VALLEJO PD. # [REDACTED] ASSISTED (LEI) TEAM  
TO SANT JUAN STATION MAPPOH OF VEHICLE  
TEAMED W/ SGT CHATMAN 638 V500 LEICA  
NAVITZ 1502

NOTES 6/27/11

pu

T. Gomez on 110 460706

→ #17 P4 SHOT RUD INSERTED INTO ENTRANCE  
TO SKIP ON DASH.



7/2/11 1345 HR.

RECOVERED (3) DEFORMED BULLETS, <sup>ONE</sup> FROM DRIVER'S SIDE  
"A" PILLAR (#11) & TWO FROM DRIVER'S SIDE SIDE  
MIRROR BASE.

### RECOVERED BULLETS

(1) FROM CENTER CONSOLE - DEFORMED WITH FMJ

INTACT

(1) REAR DECK, RIGHT - FMJ

(1) REAR DECK, LEFT (GROSSLY DEFORMED)

(1) REAR SEAT CUSHION, FMJ

(1) TOP REAR BUMPER, RIGHT SIDE, WHO CRACKED OFF

(1) UNDER FLOOR TOP OF ENGINE

(3) FRAGMENTED BULLETS WHO NEST TO ALL FIVE

(1) "A" PILLAR #11 FMJ, ON 7/2/11

(2) FMJ FROM LEFT SIDE MIRROR BASE #12 & 13

NOTES 7 OF 7

per

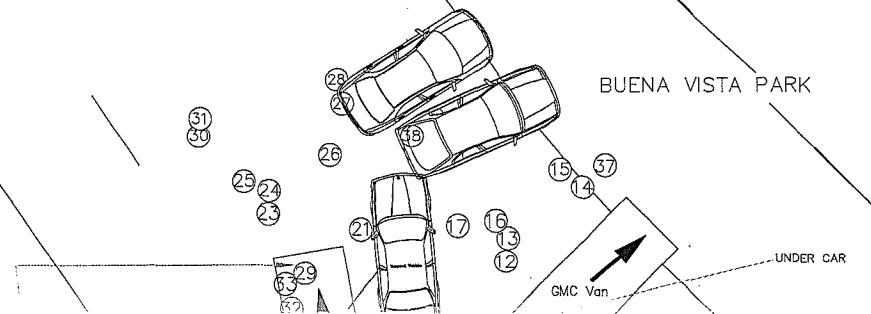
CSI 12 of 12

SFPD 110460706

Buena Vista East

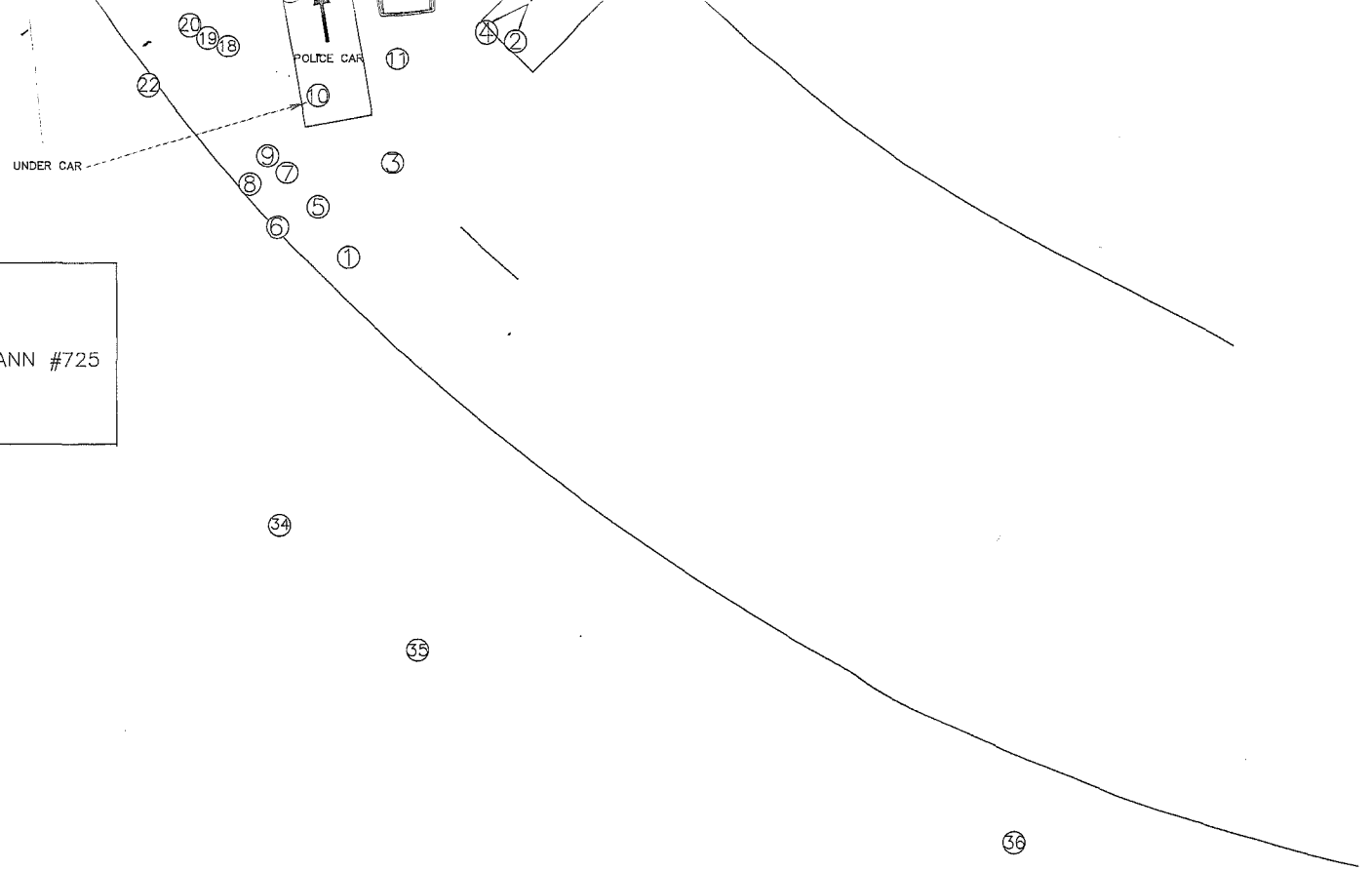


BUENA VISTA PARK



000097

OIS  
CASE: 110 460 706  
DATE: 06.07.2011  
DRAWN BY: SGT. WEGGENMANN #725  
SGT. CHACON 638  
NOT TO SCALE



FW





## INCIDENT OVERVIEW

On 06/07/11, Sgt. Ryan, Officers Lieu, and Reyes were in plain clothes assigned to the Park Station (Co. F) 35 Car Unit. Lieu was driving, Ryan was front passenger and Reyes was right rear passenger. All three officers were in an S.F.P.D. grey Crown Victoria unmarked vehicle equipped with emergency red lights, siren, and radio. All three officers were equipped with their department issued firearms, magazines, vests, stars, and radios.

Earlier that day, Ryan, Lieu and Reyes had been briefed about a stolen grey BMW with paper plates by various S.F.P.D. personnel. This BMW had been tracked to San Francisco via the vehicles manufacturer installed G.P.S. and was now parked unoccupied next to Buena Vista Park. The BMW had been stolen on 05/15/11 in Southern California and had been used in two Southern California bank robberies on 05/17/11. In two other incidents on 05/17/11 and 05/20/11, law enforcement officers had attempted to stop and detain the individual driving this vehicle and, in each instance, the driver had not complied, leading officers on high speed pursuits and evading capture. All three officers stated that they had heard during the course of the on-going investigation and surveillance of this vehicle that the driver had used the vehicle as a weapon and attempted to run down police officers attempting to arrest [REDACTED] in the Southern California incidents. Ryan, Reyes and Lieu had all participated in a multi-unit surveillance of the vehicle that terminated at 1500 hrs. C.I.U. officers had placed a tracker on the unattended vehicle and the surveillance operation had been canceled.

At 17:23 hrs, Ryan, Lieu, and Reyes were passing the BMW, parked front end to curb line in front of [REDACTED] Buena Vista East on the west side (park side) of the street, driving N/B Buena Vista East towards Haight Street. The officers were doing a passing call to monitor the vehicle. The officers thought they noticed that the vehicle was now occupied by a driver. Uncertain, Lieu did a U-turn at the bottom of Buena Vista East and drove S/B towards the parked BMW. As the officers again passed the BMW, Ryan, Lieu and Reyes were more convinced that the vehicle was now occupied; however, they still were not entirely sure. Lieu drove a short distance past the BMW until all three officers were now sure the car had a driver. Lieu stopped the Crown Victoria behind the still parked BMW and all three officers exited the police unit with their weapons drawn. Ryan exited on the right side of the Crown Victoria, behind the rear of the BMW. Reyes was to the rear of the Crown Victoria and to the right of the BMW, and Lieu was to the front of the Crown Victoria and to the left of the BMW. All three officers identified themselves as police and gave verbal commands for the driver to show [REDACTED] hands and to exit the vehicle. The driver and sole occupant, later identified as [REDACTED] ignored the officers and put the BMW in reverse.

[REDACTED] began turning the BMW to the right, swinging [REDACTED] front end into the parked vehicle left of the BMW as [REDACTED] reversed. Ryan tried to move backwards away from the canted BMW that reversed towards him but was trapped between the BMW coming towards him and the Crown Victoria behind him. Ryan, Reyes, and Lieu continued to

yell commands at the driver to stop the car and to show [REDACTED] hands but [REDACTED] did not comply. Ryan fearing that he would be crushed between the two vehicles and seriously injured or killed fired several rounds at [REDACTED] to stop him from being struck.

Lieu saw that Ryan was in danger of being pinned and seriously injured or killed by the reversing BMW and also fired several rounds at [REDACTED] to stop [REDACTED] from striking Ryan. [REDACTED] then put the BMW into drive and drove uphill (S/B) pushing two parked cars to the left as [REDACTED] maneuvered the BMW, in effect, ramming the parked cars out of the way. During this reverse and then forward motion by the BMW, the left rear of the BMW struck and damaged the right side of the Crown Victoria. Lieu was in front of the BMW as it moved forward. Lieu continued to fire at [REDACTED] because he was now in danger of being pinned and seriously injured as [REDACTED] drove towards him. Lieu vaulted the trunk of the second parked car being pushed by the BMW to escape being struck. C.S.I. recovered a palm print smudge from one of the vehicles parked to the left of the BMW. Lieu suffered injuries to his chest during the incident that were documented and medically treated. Lieu's clothing was also damaged and collected by C.S.I. The injuries, palm print, and damaged clothing are consistent with Lieu's actions of being pinned during the incident.

[REDACTED] either stopped the car or was incapacitated. Ryan, Lieu, and Reyes continued to order [REDACTED] to exit the car and after no response, approached [REDACTED] and took [REDACTED] into custody.

[REDACTED] was shot six times. Twenty six 40 caliber casings were recovered. [REDACTED] was unresponsive at the scene. [REDACTED] was transported to M.E.H. where [REDACTED] was pronounced deceased at 18:02 hrs. No contraband was found in the vehicle or on [REDACTED] person. [REDACTED] had [REDACTED] system; no other [REDACTED] was detected. Special Agent [REDACTED] F.B.I. Orange County Bank Robbery Squad, confirmed that [REDACTED] was the only suspect in both Southern California bank robberies on 05/17/11 and that both cases are closed as solved. S/A [REDACTED] stated that there is no documentation or evidence that [REDACTED] used the BMW to assault any law enforcement officers in the Southern California incidents as was previously thought. It is unclear how this inaccurate information was passed on or to S.F.P.D. personnel. L.A.P.D. detective [REDACTED] North Hollywood Division, also closed his 10851 C.V.C. case on the stolen BMW.

#### **OFFICERS STATEMENTS (In Summary)**

##### **Sgt. Scott Ryan #734**

Ryan stated that he is the plain clothes supervisor for the Co. F 35 Car Unit at Park Station. Ryan has approximately 10 years of experience in plainclothes and 2 ½ years as a supervisor of plainclothes officers. On 06/07/11, Ryan started work at [REDACTED] and was briefed about the bank robberies, the location and description of the BMW, and the information available as to the suspect and suspected crimes by several other

S.F.P.D. officers and supervisors who were already conducting surveillance of the BMW. Ryan responded as a SAM unit to assist until other members of the 35 car came in at [REDACTED]s. Ryan stated that he briefed Officers Reyes and Lieu as to the operation, and they then responded to the area to assist. At 15:00 hrs, the surveillance was canceled after a tracking device was placed on the BMW.

Ryan stated they then resumed regular duties as they drove together in an S.F.P.D. Crown Victoria unmarked car, Ryan, front passenger, Reyes, rear, Lieu, driving. Ryan said that they responded to a 221 call to back up a patrol unit on a car stop on 17<sup>th</sup> St. at about 17:10 hrs. After clearing that run, Ryan and the two other officers decided to check out the unattended BMW parked on Buena Vista East. Ryan stated that as they drove N/B Buena Vista past the BMW, Lieu told them that he thought he saw the rear lights on and the sunroof opening up on the BMW. Ryan said that he might have seen somebody in a baseball cap inside the vehicle but was not sure.

Ryan stated that they did a U turn at Haight, and drove back up Buena Vista to investigate further. Ryan said this time when they drove up to the parked BMW, he could see there was definitely a driver in the vehicle.

Ryan stated that he exited the Crown Vic on the passenger side near the rear of the still parked, stationary, BMW. Lieu had stopped the Crown Vic a few feet behind the BMW blocking an easy escape for the suspect vehicle. Ryan stated that he pointed his firearm at the driver and sole occupant and ordered [REDACTED] to show [REDACTED] hands and exit the car. Ryan said he also identified himself numerous times as a police officer. Ryan said he was behind the BMW and to the driver's side of the car because he had a sight line down the left side of the BMW. Ryan said he could see Lieu to his left, and could hear Reyes as all three of them shouted repeated commands to the driver to show [REDACTED] hands and exit the vehicle. Ryan said he could hear Lieu telling the driver to shut off the car because he did not realize until then that that engine was already running.

Ryan stated that he was approximately at arm's length from the rear of the BMW, standing between the Crown Vic and BMW. Ryan said that he did not hear any music from the BMW and that he believed the driver's side window was down. The only reaction Ryan said he saw from the driver to all the shouted commands was to see [REDACTED] looking in the rear view mirror and to [REDACTED] left. Ryan stated that he and the other officers shouted at the driver for what seemed like a long time. Ryan stated that he used his radio to put out a 10-25 call.

Ryan said that the driver did not make any effort to comply and then slowly started to back up, swinging the BMW to the left striking and pushing the parked cars next to the BMW. Ryan stated that he became alarmed and stepped backwards away from the reversing BMW. Ryan said that the BMW continued backward, not at a very fast rate, but maneuvering and impacting other cars moving them out of the way "kind of like a trash compactor; moving and crunching" Ryan said that he looked for a escape route but realized that he was trapped between the BMW and the Crown Vic. Ryan stated that he could feel his back against the Crown Vic as the BMW got closer and closer.

Ryan stated that he felt trapped and was fearful that he would be crushed by the two cars as the driver continued to reverse.

Ryan stated that he fired at the driver of the BMW to stop [REDACTED] from crushing him. Ryan stated that he did not know how many rounds he fired but noticed that his slide had locked back and the weapon was empty. While he was firing at the driver, Ryan stated that the BMW stopped reversing and then drove forward with him now to the left side of the BMW as it continued moving. Ryan stated that he could hear at least one other weapon being fired but could not see who was shooting.

#### **Officer Albert Lieu #1632**

Officer Lieu stated that he has 7 years of experience, 2 ½ with the plainclothes unit. Lieu said when he started at [REDACTED] on 06/07/11, he was briefed on a bank robbery suspect that the F.B.I. was tracking and that the suspect had tried to run down two officers at some point. Lieu said that he and his partner Reyes responded to the general area where the bank robbery vehicle was parked and joined the surveillance already in progress with several other units on scene. Lieu said that he did not have a lot of information about the investigation and he and Reyes were just a perimeter unit and never saw the BMW being watched. At 15:00 hrs, the operation was called off and he and Reyes went to pick up their supervisor, Ryan, and resumed their usual duties.

Lieu stated he was driving, Ryan was front passenger, and Reyes was rear passenger. Lieu said that after backing up a unit on a gun call, the three of them decided to see the BMW themselves. Lieu stated that as he drove the Crown Vic down the hill towards Haight on Buena Vista East, he drove slowly by the BMW and was not sure if it was the correct car. Lieu said he made a U-turn and came back up the hill passing the parked car again. Lieu said he stopped the Crown Vic and then rolled it backwards towards the BMW. He then saw somebody in the BMW and threw the police vehicle into park. Lieu said that he drew his firearm and approached the BMW from the left side near the trunk of the suspect vehicle. Lieu stated that he had a clear view of the driver and loudly identified himself as a police officer. Lieu also had his police star visible around his neck. Lieu stated that he repeated numerous commands for the driver to show [REDACTED] hands. Lieu said when he realized that the BMW engine was on, he then ordered the driver to shut off the engine. Lieu stated that the driver did not comply or acknowledge him. Lieu noticed that the sunroof on the BMW was open. Lieu said he could hear the other officers yelling commands. He could see Ryan because he was to the rear and to the left of the BMW and could see he was on his police radio. Lieu could not see Reyes.

Lieu stated that the BMW started moving backwards towards Ryan. Lieu stated that he was not sure how fast the car was reversing but it was moving at a pretty fast pace. Lieu stated he was not exactly sure when he fired his weapon, but it was when the BMW was going towards Ryan. Lieu said he did not know how many rounds he fired.



Lieu stated the BMW then turned in his direction. Lieu stated that the BMW was going backwards, and then forwards, facing him. Lieu said he tried to get out of the way by running between two parked cars to the left of the BMW, but then the BMW struck one of the cars, pushing that car into the second parked car, pinning his leg between the two vehicles. Lieu stated that he was still shooting at the driver when he was pinned and then was able to free himself and run to the front of the Crown Vic. Lieu stated that he fired at the driver because he felt that Ryan was in danger of being struck by the BMW. Lieu stated he fired at [REDACTED] when the BMW turned towards him and moved forward, pinning him between the two parked cars. Lieu said he was afraid of being injured or killed when he fired at the driver to stop [REDACTED]. Lieu did not recall having to vault the trunk of one of the parked cars to escape being struck.

#### **Officer Ruben Reyes #1954**

Reyes has been with the Department for 7 ½ years, and has been assigned to plain clothes for two years at Co. F. Reyes stated that when he started at [REDACTED] on 06/07/11, he and Lieu were assigned to assist in surveillance of a bank robbery vehicle that the F.B.I. was tracking. Reyes said he did not get much detailed information, but that the vehicle had tried to run over a L.A. area deputy. Reyes said that he and Lieu were on the perimeter during the surveillance and did not have much of a role. At 15:00 hrs, the surveillance was canceled and he and Lieu joined up with their supervisor Ryan to go about their duties.

Reyes stated that the three of them had driven by the BMW and that Lieu had said that he had seen the brake lights on or the rooftop open. Reyes said they did a U-turn and that he could see someone in the BMW. Reyes stated that Ryan told Lieu to stop the car. Reyes said he exited the police car and walked up, gun drawn, on the passenger side of the BMW. Reyes said he could see Ryan behind the BMW and Lieu to the left of the BMW. Reyes said all three of them identified themselves as police and ordered the driver to show his hands and exit the vehicle. Reyes stated that he saw the driver look right at him, then at Lieu on the other side, and then put the BMW into reverse. Reyes said the BMW was backing up directly at Ryan. Reyes said he then heard numerous gunshots. Reyes said he was prepared to engage but saw that Lieu was directly in his line of fire across the BMW. Reyes stated that he had to duck because he was in the line of fire himself. Reyes stated that he believed that Ryan was in serious danger and would have fired if he had a clear shot himself to protect him from being struck.

#### **CIVILIAN WITNESS STATEMENTS (In Summary)**

[REDACTED]

[REDACTED] stated that [REDACTED] heard yelling out in front of her window, a male voice, "get your fucking hands up" and "get out of the car", over and over. [REDACTED] said [REDACTED] was not sure if

they were police but they were fearful of the car. [REDACTED] thought maybe they were drug dealers. [REDACTED] stated [REDACTED] saw the car back up and then the shooting started. [REDACTED] stated that [REDACTED] could tell the men did not want to shoot. [REDACTED] said the men could have shot long before they did. One officer did not shoot until the suspect moved forward.

[REDACTED]

[REDACTED] stated that [REDACTED] heard an argument outside [REDACTED] window that got louder and louder. The voices were commanding in tone. [REDACTED] said [REDACTED] then heard many gunshots. [REDACTED] heard the three officers giving commands at the BMW. [REDACTED] stated [REDACTED] saw an unmarked police car right behind it. After the shooting, the officers approached the car very carefully. [REDACTED] said [REDACTED] saw the driver very clearly and the driver's expression was "I am in a world of hurt" The shooting lasted for 10-15 seconds.

[REDACTED]

[REDACTED] stated that [REDACTED] was walking towards [REDACTED] building on the sidewalk when [REDACTED] saw a car stop in the middle of the street. [REDACTED] stated that [REDACTED] saw men start yelling "down mother fucker" or something like that as they ran up to a parked car. The men were very aggressive. [REDACTED] said the driver of the parked car hesitated, and then backed up. The men started shooting very fast. [REDACTED] noticed that two of the men were police officers. The officers were yelling at the driver, "don't move" [REDACTED] stated that the driver was trying to get away and that [REDACTED] looked back in the direction of the officers. [REDACTED] said it was very fast from shouting to the shooting. [REDACTED] stated [REDACTED] never heard the men identify themselves as police.

[REDACTED]

[REDACTED] stated that [REDACTED] was at [REDACTED] desk working when [REDACTED] heard men outside [REDACTED] window shouting. [REDACTED] looked outside and saw two cars that [REDACTED] thought had collided. [REDACTED] said [REDACTED] saw 3 plainclothes police men yelling, "Stop, stop, stop, don't go any further. [REDACTED] said one of the cars pulled out in reverse, and then pulled forward. The police shot into the car. [REDACTED] said [REDACTED] did not see what the driver did. The car the police were shooting at hit another car. [REDACTED] stated that one of the police had to jump on a parked car to get away. [REDACTED] said that when the officer jumped on the car to escape, the car they were shooting at was still moving. [REDACTED] said there was no break in the shooting; it was continuous.



[REDACTED]

[REDACTED] stated [REDACTED] heard shooting outside of [REDACTED] window and saw a car trying to get out very slowly. [REDACTED] said one man was in front of the car, shooting, and then another man started shooting. The car they were shooting at was pushing another car out of the way. [REDACTED] stated that [REDACTED] heard the men yelling "[REDACTED] still moving, [REDACTED] still moving" [REDACTED] said the man behind the car could have gotten out of the way. [REDACTED] said the car never stopped moving. [REDACTED] said she saw at least two men, maybe three outside.

[REDACTED]

[REDACTED] stated that she heard men yelling outside her window, shouting "stop, stop, get out of the car", show us your hands" [REDACTED] stated she looked out of her window and saw 3 plain clothes policemen continuing to shout commands. [REDACTED] said [REDACTED] saw the BMW start to slowly back up and saw the driver look to [REDACTED] left and smile at the police officers. [REDACTED] then said the driver put the car in drive and drove slowly forward. [REDACTED] stated that there was a policeman to the front, one to the left, and another to the left rear of the BMW. [REDACTED] stated that the policemen continued to shout commands as the driver drove forward. The policemen began shooting at the car and one of the policemen had to jump out of the way to avoid being pinned between cars. [REDACTED] stated that the police fired anywhere from 12 to 20 shots. When the shooting stopped, the officers approached the car cautiously. [REDACTED] stated she saw the officers perform CPR on the driver but based on her training as a nurse she could see [REDACTED] was already dead.

[REDACTED]

[REDACTED] stated that [REDACTED] was working from home when [REDACTED] heard lots of screaming coming from the park. [REDACTED] thought nothing of it but it got louder and louder. [REDACTED] stated [REDACTED] thought then it was the police yelling at someone. [REDACTED] stated that [REDACTED] saw what [REDACTED] believed to be an unmarked police car blocking a smaller grey car. The officers were yelling at the grey car. [REDACTED] stated that [REDACTED] saw the grey car back up but it had no way to escape. [REDACTED] said the angle of the grey car was really tight. [REDACTED] said [REDACTED] saw the grey car push another parked car to the left and heard the police yelling "stop, get out of the car" [REDACTED] stated that [REDACTED] then heard shooting, like microwave popcorn, 20 to 30 shots. [REDACTED] said [REDACTED] believed the shooting happened after the grey car went into reverse.

████████████████████  
████████████████████

████████ stated that ██████ was in ██████ apartment when ██████ heard a car crash and a lot of shouting. ██████ stated that ██████ looked outside ██████ window and saw 4 or 5 cops shouting "get out of the car". ██████ said all of the sudden, the cops starting shooting. ██████ said the police continued to yell at the ██████ in the car. ██████ stated the cops looked panicked. ██████ said ██████ saw the police protecting themselves with their car and had their guns over the top of the car. The car they were shooting at crashed into other parked cars. ██████ stated the ██████ in the car looked seriously injured or dead.

████████████████████  
████████ stated that ██████ only saw the aftermath of the shooting and the uniformed officers responding.

#### **CRIME SCENE WORK COMPLETED**

I have received a report from the Crime Scene Investigations Unit, which includes a diagram of the scene and an itemized list of evidence recovered at the scene. Photographs and video of the scene were completed by the Photo Lab. Crime scene photos have been retained in case file.

The Crime Lab Firearms Section report indicates both Officers' firearms were functional within manufacturer's specifications and the ammunition was department issued.

#### **DISTRICT ATTORNEY'S OFFICE**

The District Attorney's Office investigated this shooting and determined, "Based on the totality of the circumstances, there is no basis to believe that Sergeant Ryan or Officer Lieu acted unlawfully." The District Attorneys' Office investigation of this incident is closed.

#### **CONCLUSION**

Sergeant Ryan, Officer Lieu and Officer Reyes were attempting to arrest a stolen auto/bank robbery suspect who was in the driver's seat of the stolen BMW. The suspect maneuvered the BMW in a manner that put both Sgt. Ryan and Officer Lieu's lives in danger. Fearing for their lives, they discharged their firearms at the suspect. A comprehensive investigation was conducted. The District Attorney's Office determined the Sgt Ryan's and Officer Lieu action were lawful.



Case# 2011-0604

**MEDICAL EXAMINER'S REGISTER**

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

Name: [REDACTED]

Alias: [REDACTED]

ADDRESS: [REDACTED]

DATE OF DEATH: 06/07/2011 TIME: 6:05 PM REPORTED BY: Dr. [REDACTED]

DATE OF REPORT 06/07/2011 TIME: 7:19 PM REPORTED PHONE: [REDACTED]

PLACE OF DEATH: San Francisco General Hospital-Emergency Department ZIP: 94110

TYPE OF CASE: Police Involved G DATE AND TIME OF INCIDENT: 06/07/2011

PLACE OF INCIDENT: Buena Vista East Near Haight Street ZIP:

NEXT OF KIN: DATE NOTIFIED 06/08/2011

BIRTHDATE: [REDACTED] AGE: [REDACTED] SS# [REDACTED] SEX: [REDACTED] RACE [REDACTED]

RECEIVED AT MEDICAL EXAMINER: 06/07/2011 TIME: 8:51 PM

RELEASED TO: [REDACTED] FUNERAL DIRECTOR

RELEASED DATE: 06/11/2011 TIME: 08:20

RECEIVED BY: [REDACTED] CLOTHING RECEIVED: NO

RELEASE SIGNED BY [REDACTED] RELATIONSHIP: [REDACTED]

POUCH: Yes RESIDENCE SEALED: No

| PROPERTY LISTING         | INITIALS | EVIDENCE LISTING    | INITIALS |
|--------------------------|----------|---------------------|----------|
| 1 y/m Chain with Pendant | ( WS )   | 1 Pouch Seal #52670 | ( )      |

VERIFIED BY: RV DATE: 6/8/2011

PUBLIC ADMINISTRATOR:

DATE NOTIFIED:

PLACED IN BOX #: 541 RECEIVED AMOUNT: \$0.00 CHECK#: [REDACTED]

RECEIVED BY: [REDACTED] RELATIONSHIP: [REDACTED] DATE/TIME: [REDACTED]

RECEIVED BY: [REDACTED] RELATIONSHIP: [REDACTED] DATE/TIME: [REDACTED]

BODY SEARCHED BY: 0Staff AT: San Francisco General Hospital

PREMISES SEARCHED BY: San Francisco Polic AT: [REDACTED]

PREMISES SEALED BY: San Francisco Police D DATE: [REDACTED]

EXAMINATION: [REDACTED] PERFORMED BY: AZAR M.D.

EVIDENCE DISPOSITION: [REDACTED]

INVESTIGATORS: CAMERON MULLINS #118 TIMOTHY HELLMAN #109

APPROVED COPY  
[Signature] 2/1/2012

Case#: 2011-0604

Status: CLOSED

Name: [REDACTED] [REDACTED] [REDACTED] DOE [REDACTED]

Police Notified Yes

Police\_Officer: San Francisco Police D

Police\_Officer: Bowers #202

Police\_At\_Scene: Yes

Officer: Bowers #202

Station: Park

Homicide\_Officer: San Francisco Poli

Homicide Officer: Cagney

Notification Date: 06/07/2011

Notification Time: 18:00

SFPD\_Case#: 110-460-609

AIB\_or\_HR\_Notified:

Date:

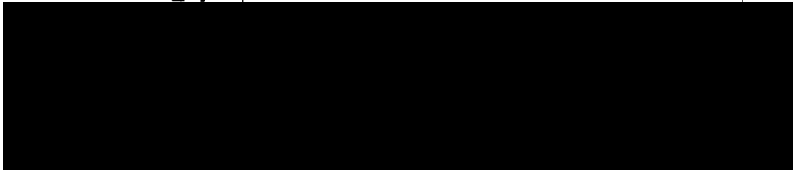
AIB\_Officer:

Nature: Police Involved GS

Fingerprints\_Taken: Yes

Palprints\_Taken: Yes

Taken\_By: Hellman+JW





Case#: 2011-0604

## MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

NAME: [REDACTED] Date/Time of Death: 06/07/2011 6:05 PM

PLACE OF DEATH San Francisco General Hospital-Emergency Depart Age: [REDACTED] Sex: [REDACTED] Ht: [REDACTED] Wt: [REDACTED]

POLICE NOTIFIED POLICE STATION NOTIFIED POLICE OFFICER  
Yes San Francisco Police Departme Bowers #202

Race: [REDACTED]

HOMICIDE NOTIFIED DATE TIME HOMICIDE OFFICER  
San Francisco Poli 06/07/2011 6:00:00 PM Cagney

MARITAL STATUS: [REDACTED]

IDENTIFIED BY: FINGERPRINT COMP. SFPD I AT: SFPD ID BUREAU DATE: 06/07/2011

FINGERPRINTS TAKEN PALMPRINTS PRINTS TAKEN BY DATE  
Yes Yes Hellman+JW 06/07/2011

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

PHOTOS DATE:

TAKEN BY: SEALED

POLICE AT SCENE AT SCENE OFFICER POLICE STATION  
Yes Bowers #202 Park

SFPD CASE#: 110-460-609

AIB or HR NOTIFIED:

AIB DATE:

AIB OFFICER:

NATURE: Police Involved GSW

### CASE HISTORY

The subject, a +/- [REDACTED] year old [REDACTED], died at San Francisco General Hospital after sustaining multiple gunshot wounds during an altercation with San Francisco Police Officers.

According to information received from San Francisco Police Officer Bowers #202 filing incident report #110-460-609, on 6/7/11 at approximately 1720 hours San Francisco Police Officers approached the subject, whom they thought to be a possible bank robbery suspect, in the area of Buena Vista East and Haight Street. An altercation ensued, with the subject being struck by multiple gun shots. No officers were reportedly injured in the altercation. San Francisco Fire Department Paramedics were summoned, and they arrived to find the subject agonally breathing with weak peripheral pulses. The subject was transported emergently to San Francisco General Hospital. In the Emergency Department, an emergency thoracotomy was performed. Despite these and other efforts, the subject died as a result of these injuries. The subject was pronounced deceased in the Emergency Department at 1805 hours on 6/7/11, and this office was notified of the death at 1919 hours, same date.

At the hospital, the subject was presented supine on a hospital gurney in the Emergency Department, enshrouded by a hospital pouch. A bag of clothing was secured from the hospital. No antemortem specimens or radiological scans were taken during the hospital stay. Gun shot residue tests were performed on the subject's hands, then sealed and placed in the transport pouch with the subject. The subject's hands were then placed in clean paper bags, and the



**Case#: 2011-0604**

**MEDICAL EXAMINER / INVESTIGATOR'S REPORT**

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

subject was sealed in the transport pouch with seal #52670.

External examination of the warm, flaccid remains revealed multiple circular defects about the remains.

INVESTIGATOR: CAMERON MULLINS #118 TIMOTHY HELLMAN #109

Case#: 2011-0604

Status: CLOSED

Name: [REDACTED] alias: [REDACTED]

Date: 06/08/2011

Time: 12:12

Contact\_Person: [REDACTED]

Contact\_Phone: [REDACTED]

Comments:

SFPD Homicide unit was notified that the subject has been ID and that the family had been notified.

Investigator: THOMAS MCDONALD #115

Date: 06/13/2011

Time: 15:23

Contact\_Person: [REDACTED]

Contact\_Phone: [REDACTED]

Comments:

Check with homicide before releasing any property. 8/17/11: ok to release property per Insp. Cagney.  
8/19/11: Property mailed to father.

Investigator: SUSAN M. KELLER



Case#: 2011-0604

Status: CLOSED

Name: [REDACTED]

alias: [REDACTED]

Date: 07/03/2011

Time: 20:59

Contact\_Person: Dr. Hart

Contact\_Phone: [REDACTED]

Comments:

15 and 54 digital images reviewed. 2 CDs placed in Dr. Azar's box.

Investigator: AMY P. HART, M.D.#100

|                          |                                                          |             |            |                                     |
|--------------------------|----------------------------------------------------------|-------------|------------|-------------------------------------|
| Case#:                   | 2011-0604                                                | Status:     | CLOSED     | <input type="checkbox"/> Restricted |
| Name:                    | [REDACTED]                                               | alias:      | [REDACTED] |                                     |
| Manner of Death:         | Homicide                                                 | DC Done:    | 06/10/2011 |                                     |
| Method:                  | Firearm(s)                                               | Amendment:  | 11/27/2011 |                                     |
| Rpt_Type:                | AUTOPSY                                                  |             |            |                                     |
| Doctor:                  | AZAR                                                     |             |            |                                     |
| Report Date:             | 11/14/2011                                               |             |            |                                     |
| Summary:                 | CAUSE OF DEATH: COMPLICATIONS OF MULTIPLE GUNSHOT WOUNDS |             |            |                                     |
| <div>Detail Report</div> |                                                          |             |            |                                     |
| Attach Picture           | View Photo                                               | Report Type |            | <div>View ReportPrint Report</div>  |

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner  
Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

Age: [REDACTED]

Height: [REDACTED]

Weight: [REDACTED]

**PRELIMINARY EXAMINATION:** The body is received in a sealed white plastic pouch, (Seal #52670), and is identified as [REDACTED] by an appropriately labeled Medical Examiner's label affixed to the pouch. The hands are examined on June 7, 2011 at 2145 hours; subsequently, positive identification is made by antemortem and postmortem fingerprint comparisons. The decedent is lying on a green trauma board and clad in a blood-stained hospital gown. A brown paper bag placed by Medical Examiner's investigators encases each hand, secured with white plastic ties. Received with the body are standard gunshot residue lifts obtained by Medical Examiner's investigators. Received with the body is a brown paper bag with an adhesive label that reads, "Xerox, TR1667 01795725, 80003686641." The contents of this bag are described under "Clothing and Personal Effects."

**RADIOGRAPHS:** X-rays of the head, torso and left forearm are taken and reveal an opaque projectile, opaque projectile fragments and surgical staples in the chest.

**CLOTHING AND PERSONAL EFFECTS:** Accompanying the body is a brown paper bag with an adhesive label as previously described. The contents of the bag are a plastic "Biohazard" bag with an adhesive label that reads, "Xerox, TR 1667 01795725 80003686641," which contains a yellow metal necklace with a black metal pendant in the shape of a paper airplane design; a right and left pair of gray sneakers; two black socks; a previously cut and blood-stained gray brief-type underwear; a previously cut, blood-stained multicolored tee shirt showing multiple gunshot defects of the right front aspect, without apparent associated gunpowder residue; and a previously, cut blood-stained green sweatshirt with multiple gunshot defects without apparent associated gunpowder residue, with three in the mid-front area, six in the left sleeve area, and two in the right lateral back area.

**EXTERNAL EXAMINATION:** The body is of a well-developed, thin [REDACTED] whose appearance is consistent with the recorded age [REDACTED] years. There is blood smeared on the torso, in the right external ear, and on both upper extremities.

The head is normocephalic, and described under "Evidence of Injury." The scalp has [REDACTED], approximately [REDACTED] hair and is described further under "Evidence of Injury". [REDACTED] is present on [REDACTED] of the face. The eyelids are intact. The conjunctivae and sclerae are clear and free of petechia. The irides are blue with equally dilated pupils. The nose is unremarkable. The mouth has a natural intact dentition and shows no evidence of injury. The external ears are normally formed. The right ear is described further under "Evidence of Injury."

The neck is normally formed, symmetrical, and without visible or palpable lesions, or evidence of injury. The chest is described under "Evidence of Injury" and "Evidence of Medical Therapy." The abdomen is described under "Evidence of Injury." The external [REDACTED]  
[REDACTED] The anus is unremarkable. The posterior body surfaces show no traumatic

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner  
Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

injuries of the back or buttocks.

The upper arms, forearms, hands and fingers are normally formed, symmetrical, and described further under "Evidence of Injury." Patches of dried blood are present on both hands. The fingernails extend to the tips of the digits and are focally blood-encrusted. The hands show no evidence of gunshot residue or trace fibers. The legs and feet are bilaterally symmetrical, normally formed, and without evidence of traumatic injuries. The toenails are short and unremarkable.

**IDENTIFYING MARKS AND SCARS:** No major surgical scars or tattoos are evident.

**EVIDENCE OF MEDICAL THERAPY:** An appropriately positioned, tape-restrained endotracheal tube is in the oropharynx. A needle puncture mark is on each upper chest and is consistent with thoracentesis. A 22 inch horizontal, sutured thoracotomy incision involves the bilateral chest, the left posterior axillary line and the left lateral back. Internally, it involves the bilateral anterior-lateral fourth intercostal spaces and the left posterior fourth intercostal space. A chest tube in a surgical incision on the right lower lateral chest internally involves the right lateral sixth intercostal space. The right pleural cavity contains two surgical towels and six blood-soaked gauze bandages. The right atrium contains 11 surgical staples. The thoracic aorta shows focal soft tissue disruption consistent with prior surgical cross-clamping. A cardiac monitoring electrode is on the front of the right shoulder and on each lower abdomen. A 1/16 inch puncture site is on the right lower chest. Three needle puncture marks are in the right antecubital fossa. A needle puncture mark is on the back of the right hand and on the top of the left foot. Bloody taped gauze is on the back of the left hand. Paired orange abrasions measuring 1/16 and 1/8 inch on the right hip area are consistent with surgical towel clamp marks. Paired orange abrasions measuring 1/4 inch are on the right iliac crest region and are consistent with prior surgical towel clamp marks. An intraosseous line is in each lower leg anteriorly. On the right anteromedial ankle is a 1 inch surgical incision containing a catheter. A 3/4 inch surgical incision containing a catheter is in the left anteromedial ankle. A hospital identification tag on the right great toe is labeled Xerox, TR1667.

**EVIDENCE OF INJURY:** There are six gunshot wounds, described below under the letters A, B, C, D, E and F. A 1/16 inch red abrasion is on the chin. A less than 1/16 inch red abrasion is on the right cheek. A 1/4 inch red abrasion is on the front of the right wrist. On the back of the right forearm medially are a 1/4 inch red abrasion, a 1/2 inch red contusion and a 1 inch ovoid purple contusion. On the back of the right hand are two brown healing scabbed lesions measuring 1/4 inch and 1/2 inch in greatest dimension. On the back of the right hand proximal to the thumb are three 1/16 inch red abrasions. On the back of the left forearm medially are a 3/16 inch red abrasion, a 1/2 inch red abraded contusion, and a 3/4 inch red abraded contusion. Lateral to the left elbow is a 1/8 inch red abrasion. On the back of the left hand are a 1/8 inch red abrasion and a 1/4 inch red contusion. On the back of the left hand proximal to the thumb is a 3/4 x 3/4 inch red contusion. The left ring fingernail is partially avulsed and shows associated nail-bed hemorrhage. A 1/2 inch red abrasion is below the right knee. A 1/2 inch red contusion

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner  
Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

is on the front of the right lower leg. On the front of the right ankle is a 1/4 inch red abrasion. On the right anterolateral ankle is a 1/2 inch red abrasion. On the right lateral ankle is a 1/2 inch red abrasion. A 1/4 inch red abrasion and a 3/16 inch red healing skin lesion are on the top of the right foot. A 3/8 inch red abrasion and a 1/16 inch red abrasion are on the left knee.

**GUNSHOT WOUNDS:**

**A. PERFORATING DISTANT GUNSHOT WOUND OF HEAD**

Entrance: The gunshot wound of entrance is in the right external ear involving the anterior antihelix, where there is a 1/2 inch multiply lacerated defect with a circumferential red abrasion collar ranging from 3/16 to 1/4 inch, centered approximately 5 inches below the top of the head, 6 inches right of the anterior midline. There is no associated soot, stippling or gunpowder residue. There is an associated 1 inch red abrasion of the antihelix and helix, and two 1/4 inch red abrasions of the crus helices and tragus. On the back of the right ear the entrance wound is associated with an approximately 1 inch ovoid red abraded contusion. After perforating the right external ear, the bullet perforates the right mastoid area of the scalp through a 1/2 inch ovoid defect with a surrounding, up to 1/4 inch red-brown abrasion collar and a 2 x 1 inch red contusion that continues to the gunshot exit wound.

Pathway: After perforating the right external ear and mastoid scalp, the bullet impacts the right mastoid skull, which has associated linear fractures, and exits the occipital scalp.

Exit: The gunshot wound of exit is in the right lower occipital scalp, centered approximately 6 inches below the top of the head, 7-1/2 inches right of the anterior midline. It is an unabraded, approximately 1/2 inch, slit to stellate-like multiply lacerated defect, associated with a 2 x 1 inch red contusion.

Direction: The bullet traveled from right to left, front to back, and downward.

**B. PENETRATING DISTANT GUNSHOT WOUND OF CHEST**

Entrance: The gunshot wound of entrance is in the right chest, centered approximately 18-1/2 inches below the top of the head, 1 inch right of the anterior midline. It is a 7/16 inch ovoid defect with a eccentric, 1/16 to 1/8 inch red abrasion collar which is widest medially, and a 1-1/2 x 1-1/4 inch red contusion. The skin surrounding this entrance wound shows no evidence of soot, stippling or gunshot residue. The clothing show corresponding perforations without evidence of gunshot residue.

Pathway: After perforating the skin and soft tissues of the chest, the bullet perforates the sternum at the level of the fourth rib, (the entrance defect in the sternum was previously surgically bisected), perforates the right atrium of the heart, the superior vena cava, and the middle lobe of the right lung. The bullet is recovered from the right pleural cavity, which also



**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner

Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

contains approximately 100 ml of clotted blood.

Recovery: Recovered from the right pleural cavity is a yellow metal jacketed, hollow-point, mushroomed bullet with sharp triangular barbs or talons, and an approximately 1 cm diameter base.

Direction: The bullet traveled from front to back, right to left, and downward.

**C. PERFORATING DISTANT GUNSHOT WOUND OF ABDOMEN**

Entrance: The gunshot wound of entrance is on the right lateral abdomen, centered approximately 25 inches below the top of the head, 9 inches right of the anterior midline. It is a 3/8 inch ovoid defect with a 1/16 inch circumferential red-brown abrasion collar and a 1 inch ovoid red contusion. There is no soot, stippling or gunshot residue surrounding this entrance wound. The clothing show corresponding perforations without evidence of gunshot residue.

Pathway: After perforating the skin and soft tissues of the abdomen, the bullet perforates the right tenth rib laterally, the liver, the right diaphragm, the lower lobe of the right lung, the right fifth rib and right fifth intercostal space medially at the sternum, and exits the chest. There is approximately 100 ml of clotted blood in the right pleural cavity, and approximately 100 ml of liquid blood in the peritoneal cavity.

Exit: The gunshot wound of exit is in the right chest, centered approximately 1 inch right of the anterior midline, 20-1/2 inches below the top of the head. It is a 15/16 inch ovoid defect with a shored eccentric abrasion ranging from 1/8 to 1/2 inch, widest inferomedially, and a 2 x 1-1/2 inch red contusion. The clothing show corresponding perforations without evidence of gunshot residue.

Direction: The bullet traveled from right to left, upward, and back to front.

**D. PERFORATING DISTANT GUNSHOT WOUND OF ABDOMEN**

Entrance: The gunshot wound of entrance is on the right upper abdomen, centered approximately 25-1/2 inches below the top of the head, 2-3/4 inches right of the anterior midline. It is a 7/16 inch ovoid defect with an eccentric, up to 1/4 inch circumferential red abrasion collar, widest inferomedially, and a 3/4 inch ovoid red contusion. The skin surrounding this entrance wound shows no evidence of soot, stippling or gunshot residue. The clothing show corresponding perforations without evidence of gunshot residue.

Pathway: After perforating the skin and soft tissues of the right upper abdomen, the bullet perforates and the right seventh and eighth ribs medially, the lower lobe of the right lung, the right lateral eighth intercostal space, and exits the right lateral chest. There is approximately 100 ml of clotted blood in the right pleural cavity.

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner

Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

Exit: The gunshot wound of exit is in the right lateral chest, centered approximately 22 inches below the top of the head, 9-1/2 inches right of the anterior midline. It is a 1/2 inch irregular ovoid defect with a circumferential 1/4 inch brown abrasion and a 2 x 1-3/4 inch red contusion. The clothing show corresponding perforations without evidence of gunshot residue.

Direction: The bullet traveled from front to back, left to right, and upward.

**E. PERFORATING DISTANT GUNSHOT WOUND OF LEFT FOREARM**

Entrance: The gunshot wound of entrance is on the back of the left forearm laterally, centered approximately 27 inches below the top of the head. It is a 5/16 inch ovoid defect with a circumferential 1/16 inch red abrasion collar. The skin surrounding this entrance wound shows no evidence of soot, stippling or gunshot residue. The clothing show corresponding perforations without evidence of gunshot residue.

Pathway: After perforating the skin and soft tissues of the left forearm, the bullet passes through the soft tissues posterolaterally and anterolaterally to exit.

Exit: The gunshot wound of exit is on the front of the left forearm proximally, centered approximately 27-3/4 inches below the top of the head. It is an unabraded, gaping 1-3/4 x 1 inch defect with a 2 x 1-1/4 inch red contusion superiorly. The clothing show corresponding perforations without evidence of gunshot residue.

Pathway: The bullet traveled from back to front, and slightly downward.

**F. PERFORATING DISTANT GUNSHOT WOUND OF LEFT FOREARM**

Entrance: The gunshot wound of entrance is on the back of the left forearm, centered approximately 29 inches below the top of the head. It is a 1/2 inch ovoid defect with a circumferential 1/16 to 1/8 inch red abrasion. The skin surrounding this entrance wound shows no evidence of soot, stippling or gunshot residue. The clothing shows corresponding perforations without evidence of gunshot residue.

Pathway: After perforating the skin and soft tissues of the forearm, the bullet perforates the soft tissue between the left ulna and radius, without apparently fracturing them, and exits.

Exit: The gunshot wound of exit is on the front of the left forearm medially, centered approximately 28 inches below the top of the head. It is an unabraded, 3/4 inch defect with a few small lacerations and a 2 x 1-1/2 inch red contusion. The clothing show corresponding perforations without evidence of gunshot residue.

Direction: The bullet traveled from back to front and slightly upward.



**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner

Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

**INTERNAL EXAMINATION:** The subcutaneous body fat measures approximately 1 cm in maximal thickness at the mid-abdomen. The visceral and parietal pleural show gunshot injuries and surgical therapy as previously described. The pericardium shows gunshot injuries and a surgical incision. The peritoneal cavity shows gunshot injuries as previously described. There is approximately 100 ml of clotted right hemothorax, and approximately 100 ml of liquid hemoperitoneum. The left pleural cavity contains scant blood.

**NECK:** The neck is dissected after the thoracoabdominal and cranial contents are removed. The tongue is unremarkable. The superficial and deep muscles of the neck show no evidence of hemorrhage. The thyroid gland is bilaterally symmetrical, fleshy and unremarkable. The hyoid bone, thyroid and cricoid cartilages are intact with no adjacent soft tissue hemorrhages. The mucosa of the larynx and trachea is unremarkable with no intraluminal obstructive lesions. There are no prevertebral fascial hemorrhages or underlying cervical vertebral fractures present.

**CARDIOVASCULAR SYSTEM:** The heart weighs 300 grams and has gunshot wound injuries as previously described. The right atrium contains 11 metallic surgical staples. There is hemorrhage involving the atrial septum and the base of the right ventricle. The coronary arteries follow their usual anatomic pathways and are widely patent. The uninvolved endocardium, myocardium, and epicardium show now no evidence of preexisting lesions. The left aspect of the thoracic aorta shows focal soft tissue disruption consistent with prior surgical cross clamping. The aorta is otherwise unremarkable.

**RESPIRATORY SYSTEM:** The right and left lungs weigh 290 and 300 grams respectively. Both lungs appear collapsed. The right lung shows gunshot wounds as previously described. There are dark red, mottled hemorrhages involving the bilateral upper and lower lobes, consistent with hemoaspiration. The bronchi and bronchioles show no mucosal lesions. The pulmonary vessels are free of thromboemboli.

**HEPATOBIILIARY SYSTEM:** The liver weighs 1440 grams and has a horizontal gunshot wound defect involving the right lobe. The parenchyma is otherwise red-brown and firm, and without evidence of steatosis, fibrosis or focal lesions. The gallbladder is intact and contains approximately 1 ml of yellow-orange bile, and no stones.

**HEMATOPOIETIC SYSTEM:** The spleen weighs 160 grams and the capsule is intact. On sectioning, the parenchyma is unremarkable. The thymus has been replaced by adipose tissue and is unremarkable. The thoracoabdominal and cervical lymph nodes are not enlarged. The bone marrow is unremarkable.

**ENDOCRINE SYSTEM:** The thyroid gland is bilaterally symmetrical, fleshy, and no lesions are seen on cut surface. The cortices and medullae of the adrenal glands are unremarkable. Externally and on sectioning, the pancreas is pink-tan, well lobulated, and without lesions.

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner  
Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

**GASTROINTESTINAL SYSTEM:** The esophagus, stomach, small intestine, large intestine and mesentery are intact and free of lesions. The stomach contains approximately 300 ml of partially digested food including green leafy vegetable and tomato fragments. The appendix is present.

**GENITOURINARY SYSTEM:** The right and left kidneys each weigh 110 grams. The renal capsules are intact and strip with ease. The cortices are dark red, congested, smooth and unremarkable. The corticomedullary junctions are well demarcated and the pyramids and papillae are unremarkable. The calices and pelves are not dilated and the ureters are patent to the bladder, which contains approximately 5 ml yellow cloudy urine. The bladder mucosa and wall are intact with normal trabeculations and are unremarkable.

**MUSCULOSKELETAL SYSTEM:** There are gunshot defects as previously described. The skeleton is normally developed and without additional injury.

**HEAD AND CENTRAL NERVOUS SYSTEM:** The soft tissues and muscles of the scalp are intact and unremarkable. The skull is intact with no evidence of fractures. The epidural space, dura and leptomeninges are intact and unremarkable. The dural sinuses and floor of the skull are intact and unremarkable. The circle of Willis is unremarkable. The brain weighs 1470 grams. Externally, the cerebral hemispheres, cerebellum and brainstem are bilaterally symmetrical and unremarkable. On sectioning, the cerebral cortex, ventricles, basal ganglia, hippocampi, midbrain, pons, medulla and uppermost cervical spinal cord are bilaterally symmetrical and unremarkable.

**FINDINGS:**

1. SIX GUNSHOT WOUNDS INVOLVING THE HEAD, TORSO AND LEFT FOREARM, WITH INJURIES TO SOFT TISSUES, BONES, HEART, VENA CAVA, RIGHT LUNG, AND LIVER
2. STATUS POST THORACOTOMY AND CARDIAC REPAIR
3. HEMOASPIRATION
4. CUTANEOUS ABRASIONS AND CONTUSIONS
5. [REDACTED] PRESENT IN POSTMORTEM BLOOD

**Spec. to Pathology:**

Portions of brain, heart, lungs, liver, spleen, pancreas, kidneys, adrenals, esophagus, stomach, appendix, duodenum and thyroid gland.

**Spec. to Toxicology:**

Peripheral blood, hemothorax, urine, vitreous humor, liver, bile, gastric contents.

**Spec. to Histology:**

Brain, heart, lungs, liver, kidney.

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner  
Medical Division

**Case No. 2011-0604**

Name: [REDACTED]

Date & Time of Necropsy: **June 10, 2011 0900 Hours**

**Photos and Radiographs:** V. J. Azar, M.D.

**Physician(s) Present:** J. Melinek, M.D.; E.G. Moffatt, M.D.

**Forensic Technician:** E. Prendel.

**Spec. Retained as Evidence:** Clothing, shoes, pouch seal, gunshot residue lifts from the hands, paper hand bags, pulled scalp hair, fingernail clippings, fingernail clipper, filter paper blood spot, bullet recovered from chest.

[REDACTED]

11-14-11

Venus J. Azar, M.D.

Assistant Medical Examiner

A.P. Hart, M.D. *[Signature]*

V.J. Azar, M.D.

J. Melinek, M.D.

E.G. Moffatt, M.D.

C. Happy, M.D.

VJA/PMT

**CITY AND COUNTY OF SAN FRANCISCO**

Office of the Chief Medical Examiner

Medical Division

Name: [REDACTED]

Case No: **2011-0604**

**MICROSCOPIC DESCRIPTION**

**BRAIN:** Section of the cerebral cortex shows no significant pathologic changes.

**HEART:** Left ventricle section shows evidence of myofiber contraction band necrosis.

**LUNGS:** Both lungs show patchy hemorrhage and atelectasis alternating with airspace distension. Scattered carbon pigment is focally present.

**LIVER:** No significant pathologic changes.

**KIDNEY:** No significant pathologic changes.

**MICROSCOPIC DIAGNOSES:**

1. MYOCARDIAL ISCHEMIA
2. PULMONARY HEMORRHAGE

**CAUSE OF DEATH:** COMPLICATIONS OF MULTIPLE GUNSHOT WOUNDS

**MANNER:** HOMICIDE

A.P. Hart, M.D. *WJH*  
J. Melinek, M.D.  
E.G. Moffatt, M.D.  
C. Happy, M.D.

VJA

[REDACTED] 11-14-11  
Venus J. Azar, M.D.  
Assistant Medical Examiner



FORENSIC LABORATORY DIVISION

TOXICOLOGY REPORT

Name: [REDACTED]

Date of Submission: 06/13/2011 M. E.: VA

Case No: 2011-0604T

Date of Report: 09/01/2011

ANALYTICAL RESULTS:

| SPECIMEN TYPE      | COMPOUND   | RESULT            | UNITS |
|--------------------|------------|-------------------|-------|
| Blood (Peripheral) | [REDACTED] | 1                 | ng/mL |
| Blood (Peripheral) | [REDACTED] | Confirmed Present |       |
| Urine              | [REDACTED] | Confirmed Present |       |

COMMENTS

Confirmation/Quantitation performed by NMS Labs, Willow Grove, PA.  
Report prepared by CMW. *CMW*

[REDACTED]  
Nikolas P. Lemos, Ph.D., FRSC, D-ABFT  
Director & Chief Forensic Toxicologist

ANALYTICAL PROTOCOL:

Specimens submitted were subjected to Analytical Panels A, B and C. Analytical Panel A detects and quantifies ethanol, methanol, isopropanol and acetone and may also detect other volatile compounds which would require additional analysis their confirmation and/or quantitation. Analytical Panel B detects, confirms and/or quantifies Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Fentanyl, Methadone, Phencyclidine (PCP), Opiates/Opioids and Tricyclic Antidepressants. Analytical Panel C detects, confirms and/or quantifies over one hundred drugs and metabolites. Please contact the Forensic Laboratory Division if you have questions regarding specific substances.



GEORGE GASCÓN  
DISTRICT ATTORNEY  
CITY AND COUNTY OF SAN FRANCISCO

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October 5, 2012

Chief Gregory Suhr  
Office of the Chief of Police  
San Francisco Police Department  
850 Bryant Street, Room 525  
San Francisco, CA 94103

Re: Officer Involved Shooting on June 7, 2011 (Report No. 110 460 706)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the June 7, 2011 fatal shooting of [REDACTED] by San Francisco Police Officer Albert Liu and Sergeant Scott Ryan. We have concluded that they acted lawfully in self-defense and defense of others. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters.

On June 7, 2011 Sergeant Scott Ryan, Officer Albert Liu and Officer Ruben Reyes were working together as a plain-clothes team out of Park Station. At the beginning of their shift they learned that a stolen gray 2-door BMW 328i with paper plates, which law enforcement authorities believed to be the vehicle involved in a number of bank robberies and police chases in southern California, had been located on Buena Vista Avenue East in San Francisco. Sergeant Ryan and his team, patrolling in an unmarked, gray Ford Crown Victoria, drove northbound on Buena Vista and, as they passed the BMW, they thought the BMW's rear lights were on and that the sunroof may have been opening. The BMW was parked perpendicular to the curb between a van and a 2-door Nissan 240SX. Suspecting that someone was in the car, the officers made a u-turn and pulled their Crown Victoria behind the BMW.

When Sergeant Ryan saw a person in the driver's seat of the BMW, he immediately got out his car, pulled his firearm, and initiated a felony stop with the intention of taking the driver into custody. Sergeant Ryan positioned himself behind the BMW on the driver's side so he could look down and into the driver's side of the BMW, called for back-up, and yelled, "Police, let me see your hands, get out of the car!" Meanwhile, Officer Lieu drew his gun and positioned himself by the trunk area of the Nissan that was to the left of the BMW. Officer Reyes also drew his gun and worked his way towards the passenger side of the BMW. As Officer Reyes identified himself and commanded the driver to put [REDACTED] hands on the steering wheel, the driver made eye contact with him, and the BMW started moving backwards slowly. The front of the BMW moved to the left as the tail of the car moved to the right. Sergeant Ryan moved backwards to get away from the BMW, and observed that the BMW was rubbing up against the Nissan, parked to its left, pushing that car up the hill, as the BMW driver was continuing to move backwards towards him. The BMW hit the passenger side door of the Crown Victoria, and was continuing to maneuver back, getting closer and closer to Sergeant Ryan, who believed he was at risk of

being crushed between the BMW and the Crown Victoria; at that point, Sergeant Ryan opened fire. Officer Lieu, believing Sergeant Ryan was in danger, also fired his weapon. The BMW continued to move, turning towards and shoving the Nissan, now directly threatening Officer Lieu who was positioned behind the Nissan. Both Sergeant Ryan and Officer Lieu, believing Officer Lieu to be in danger, continued to fire their weapons at the driver until the vehicle stopped.

All the civilian witnesses who saw the incident agreed that the police officers did not begin shooting until the BMW was moving and that the shooting stopped as soon as the BMW stopped moving. All the witnesses heard shouting preceding the shooting, and, although they could not make out the exact words, they all heard the officers commanding the driver to "stop" and "don't move." Two of the witnesses said the BMW almost pinned one of the officers (Lieu) and the officer had to jump out of the way to avoid the BMW that was coming at him.

The damage to the vehicles involved in this incident is consistent with the officers' and witnesses' statements. The right front door of the Crown Victoria was open, hyper-extended, and wedged against the left rear of the gray BMW. The BMW had its entire driver's side deeply scratched, consistent with dragging the Crown Victoria's door along its side. The right front passenger side of the BMW was contacting the right rear of the Nissan. The Nissan looked like it had been pushed by the BMW several feet forward, to the south and up onto the curb that borders the park. The BMW driver's door window was shattered and broken out, the small window behind the driver's door was shattered, and there were numerous bullet strikes to the hood, windshield, and driver's side of the car; the sunroof was partially open.

██████████ was pronounced dead at San Francisco General Hospital. According to the autopsy report ██████████ died of multiple gunshot wounds. At the time of this incident, ██████████ was on ██████████ and there was an outstanding Federal warrant for ██████████ arrest which issued on 5/17/11.

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if the person using deadly force actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM 3470.

It is well established that an automobile, depending on how it is being used, may constitute a deadly weapon. People v. Claborn (1964) 224 Cal.App.2d 38,42; People v. Finney (1980) 110 Cal.App.3d 705, 716. Indeed, "[t]here is no question that an automobile can inflict deadly force and thus under certain circumstances can constitute the type of threat that justifies an officer's shooting the driver." Acosta v. City & County of San Francisco (9<sup>th</sup> Cir.1996) 83 F.3d. 1143, 1147 fn9 (citing U.S.v.Acevers-Rosales (9<sup>th</sup> Cir. 1987) 832 F.2d 1155, 1157, cert.denied, 484 U.S. 1077 (1988)).



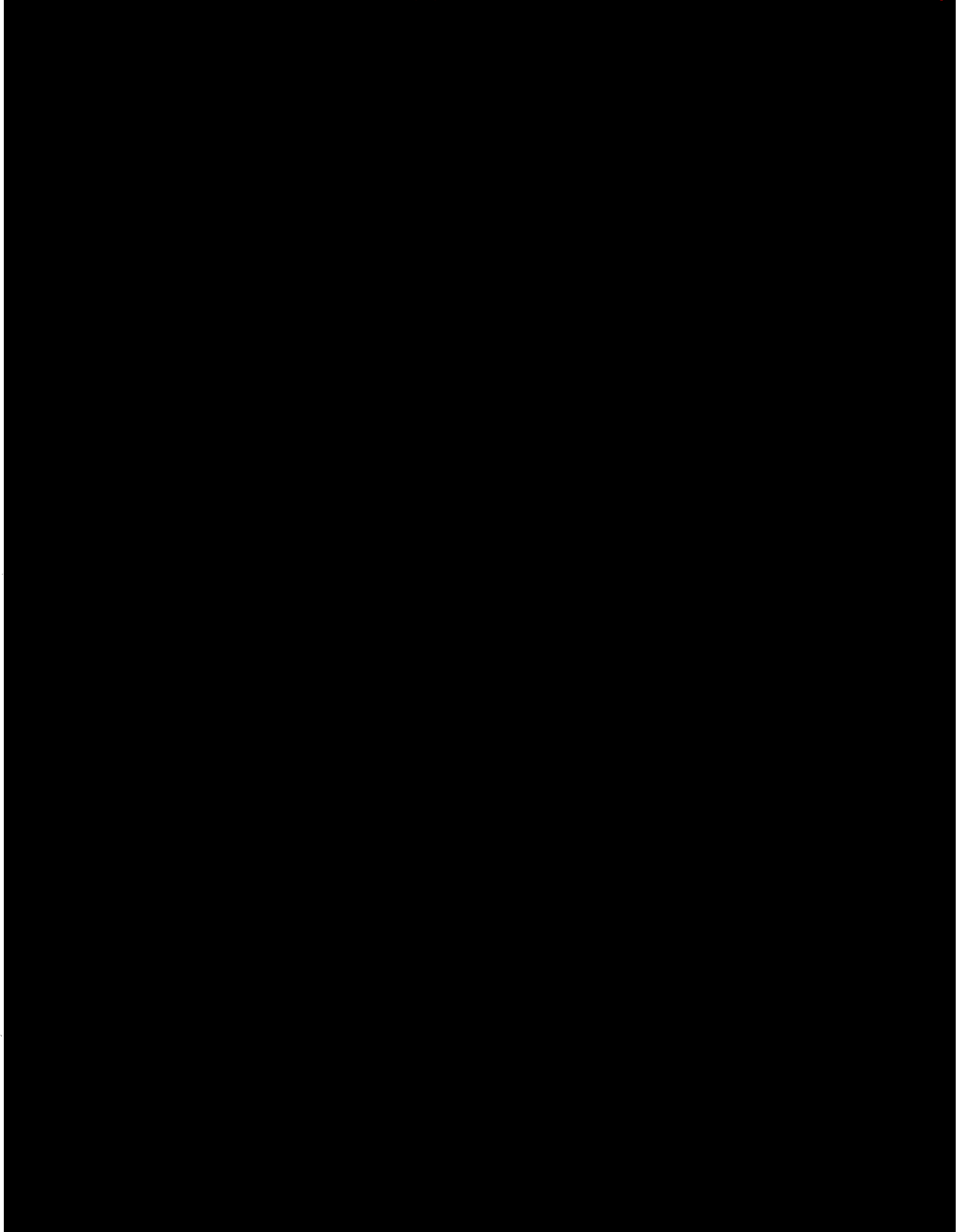
In this case, as outlined above, the decedent robbery suspect, in an attempt to avoid capture, ignored the officers' commands to stop and maneuvered the BMW in such a way that both Sergeant Ryan and Officer Lieu were in danger of being pinned and crushed by the BMW. Fearful of being seriously injured or killed, both Sergeant Ryan and Officer Lieu fired their weapons in self-defense and defense of others, and stopped firing their weapons when the vehicle came to a stop. Based on the totality of the circumstances, there is no basis to believe Sergeant Ryan and Officer Lieu acted unlawfully.

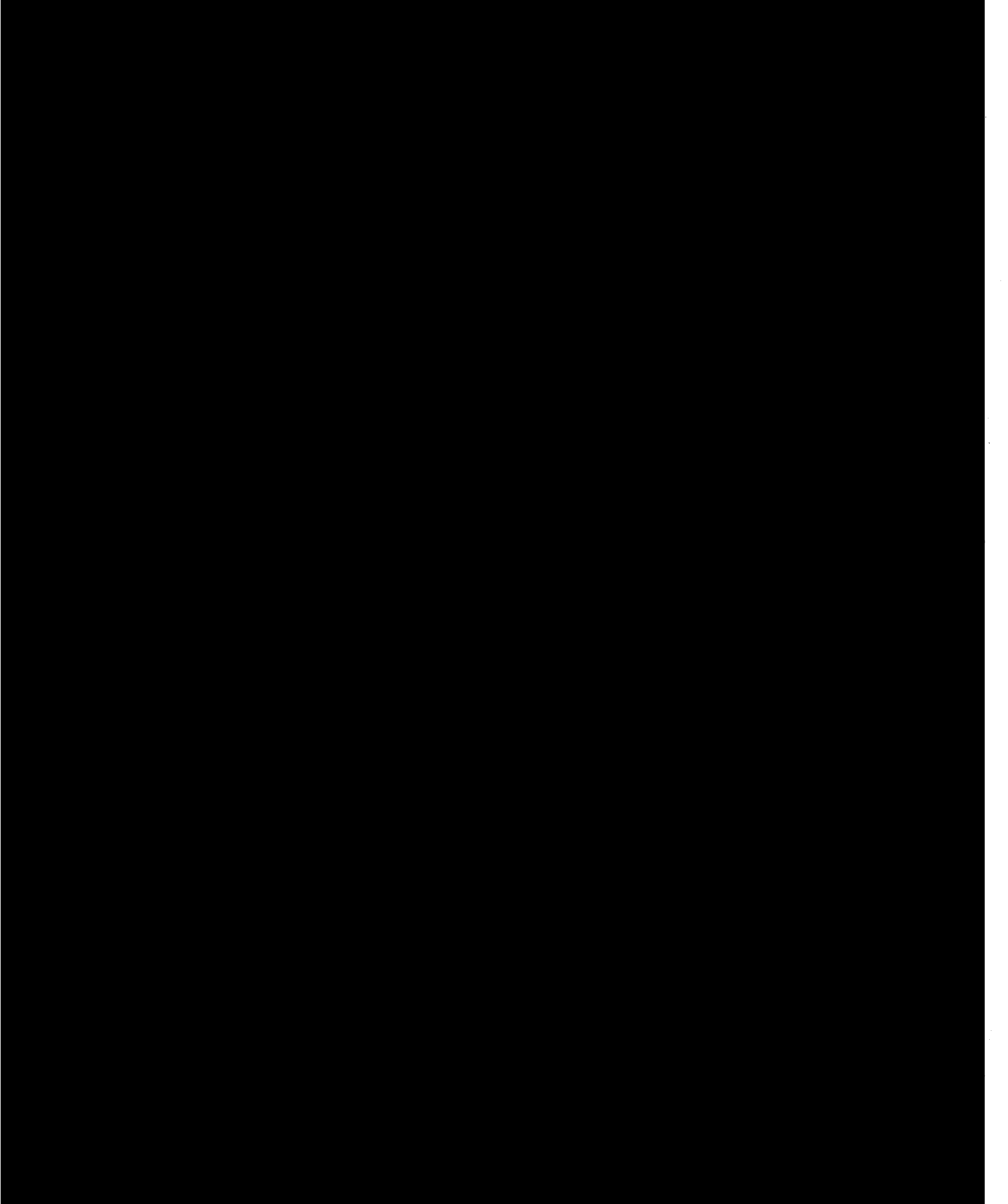
Very truly yours,

  
George Gascon  
District Attorney  


c: Sergeant Scott Ryan  
Officer Albert Lieu









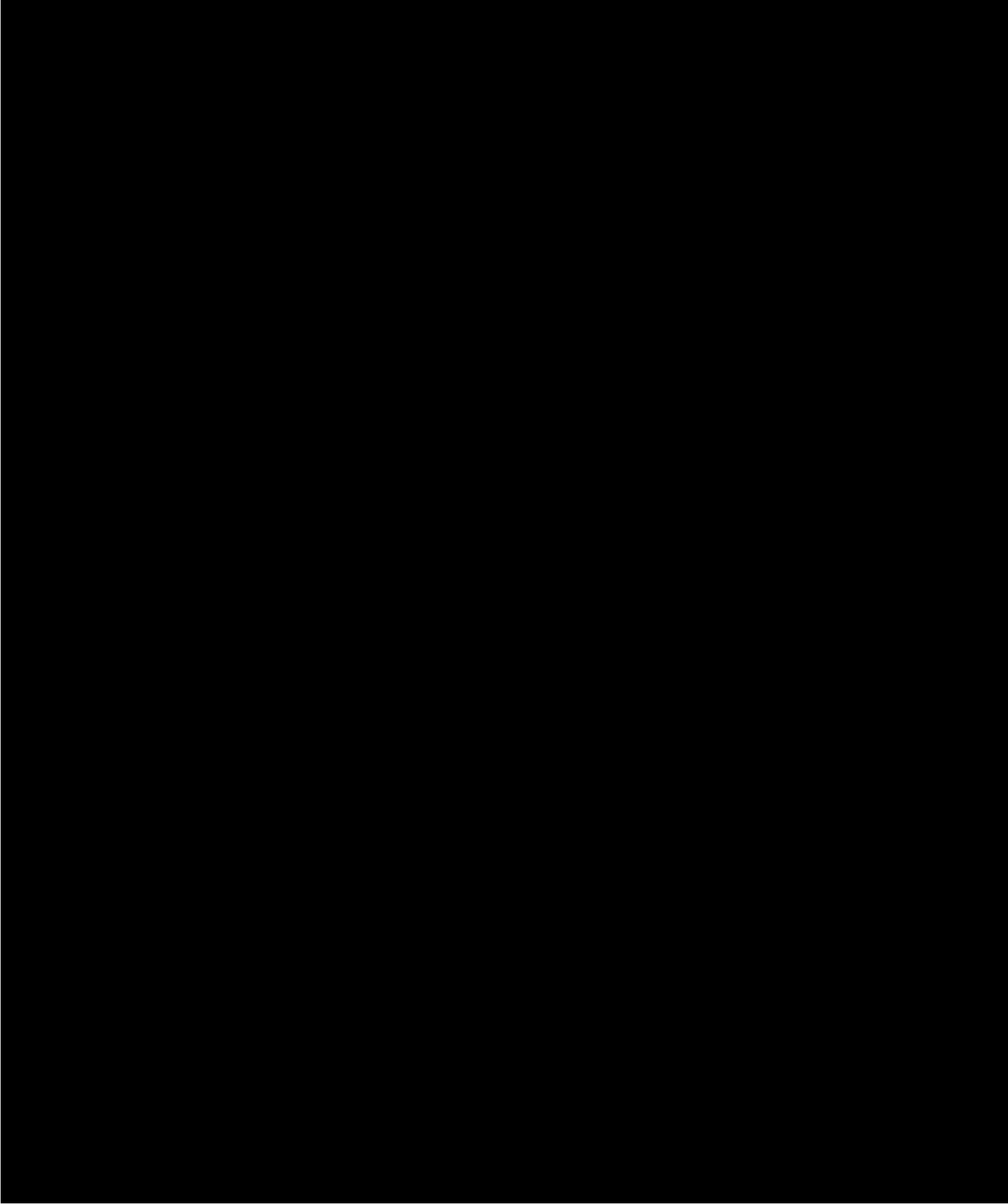
[REDACTED]



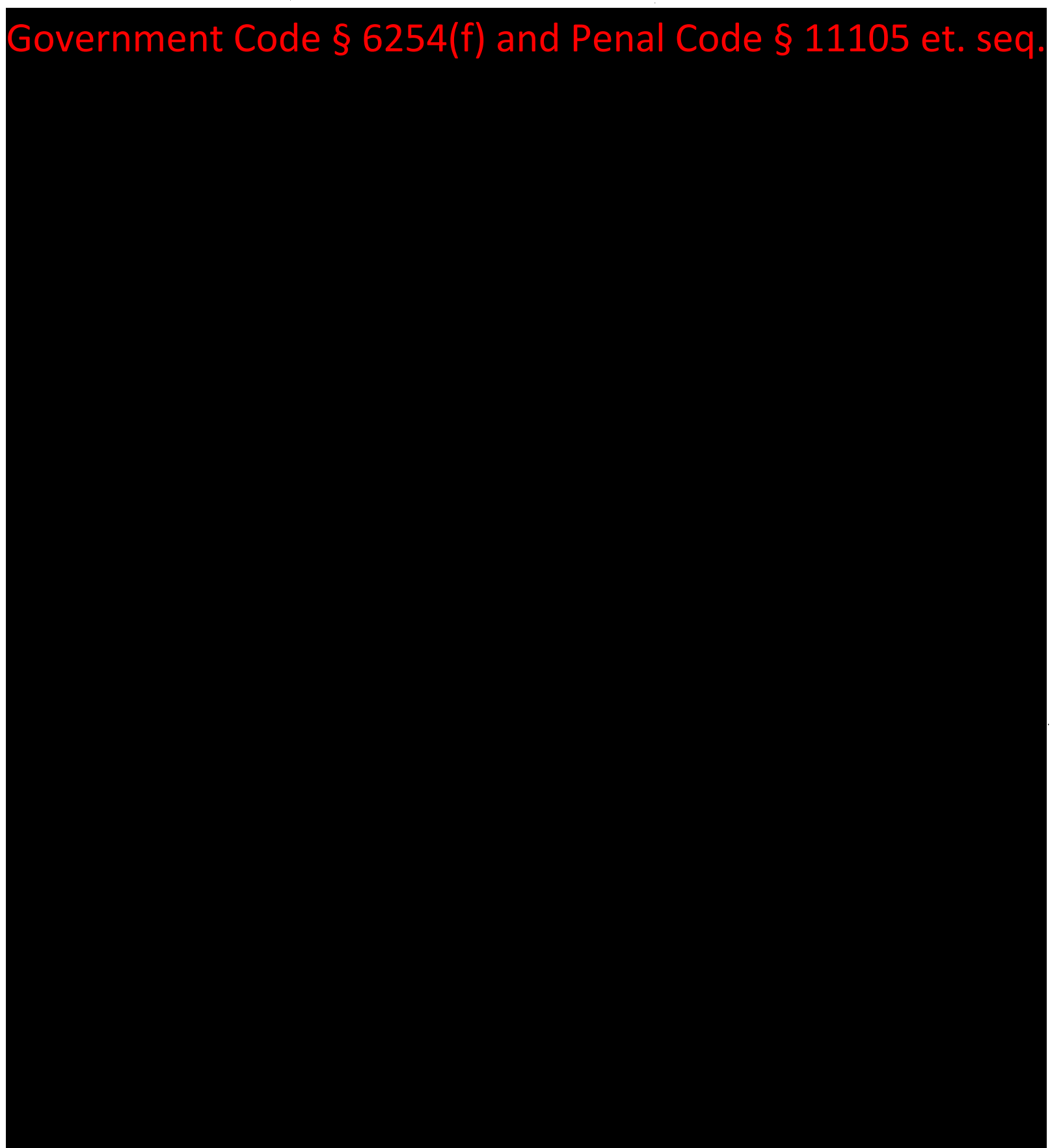








Government Code § 6254(f) and Penal Code § 11105 et. seq.





# SAN FRANCISCO POLICE

## EMPLOYEE PROFILE



NAME: SCOTT  
RYAN

F

EMPLOYEE#:

STAR#:

734

SEX:

Penal Code § 832.7(a)

HEIGHT:

WEIGHT:

HAIR COLOR:

EYE COLOR:

NAME: SCOTT  
RYAN

F

EMPLOYEE#:

STAR#:

734

SEX:

Penal Code § 832.7(a)

HEIGHT:

WEIGHT:

HAIR COLOR:

EYE COLOR:

Penal Code § 832.7(a)



# San Francisco Police Department

## Employee Multiple Card Report

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**Personnel Profile:**

**Employee Name:** Ryan, Scott F

**Star #:** 734

**Sworn:** SWORN

**Agency:** San Francisco Police Department

**Status:**

---

| Case No       | Case Type                 | Incident Date | Status | Allegation                   | Finding   | Action | Suspension Days | Employee Involvement |
|---------------|---------------------------|---------------|--------|------------------------------|-----------|--------|-----------------|----------------------|
| OIS-2011-0002 | Officer Involved Shooting | 6/7/11        | Closed | Administrative Investigation | In Policy |        |                 | Employee             |

# Penal Code § 832.7(a)



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# Penal Code § 832.7(a)

# Penal Code § 832.7(a)



# San Francisco Police Department

## Employee Multiple Card Report

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**Personnel Profile:**

**Employee Name:** Lieu, Albert K

**Star #:** 1632

**Sworn:** SWORN

**Agency:** San Francisco Police Department

**Status:**

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| Case No       | Case Type                 | Incident Date | Status | Allegation                   | Finding   | Action | Suspension Days | Employee Involvement |
|---------------|---------------------------|---------------|--------|------------------------------|-----------|--------|-----------------|----------------------|
| OIS-2011-0002 | Officer Involved Shooting | 6/7/11        | Closed | Administrative Investigation | In Policy |        |                 | Employee             |



# Penal Code § 832.7(a)

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# Penal Code § 832.7(a)



# Penal Code § 832.7(a)

# Penal Code § 832.7(a)

1 INSPECTOR CAGNEY: Inspector Cagney, Inspector  
2 Delahunty from the Police Homicide Unit, 341 and  
3 2103.

4 DAI POSADA: Yeah, and Jim Posada, District  
5 Attorney Investigations, 7044.

6 POA PENDERGAST: Margaret Pendergast,  
7 attorney.

8 INSPECTOR CAGNEY: And this is regarding SFPD  
9 Case Number 110 460 706, that occurred 06/07/11.

10 INSPECTOR DELAHUNTY: Yeah.

11 INSPECTOR CAGNEY: And today's date, actually,  
12 though, is 06/08/11, and the time is 0100, one,  
13 tell the tape, I can't do the date anymore.

14 INSPECTOR DELAHUNTY: 01--

15 INSPECTOR CAGNEY: [laughs]

16 INSPECTOR DELAHUNTY: --10.

17 INSPECTOR CAGNEY: I got you--

18 INSPECTOR DELAHUNTY: 1:10 in the morning.

19 INSPECTOR CAGNEY: --and, and we are here  
20 with--[unintelligible]

21 SERGEANT RYAN: Oh, Scott Ryan.

22 INSPECTOR CAGNEY: And your rank?

23 SERGEANT RYAN: Sergeant.

24 INSPECTOR CAGNEY: And your Star Number?

25 SERGEANT RYAN: 734.

1 INSPECTOR CAGNEY: And your date of birth.  
2 SERGEANT RYAN: [REDACTED]  
3 INSPECTOR CAGNEY: How many years of service?  
4 SERGEANT RYAN: 16 years.  
5 INSPECTOR CAGNEY: Current assignment?  
6 SERGEANT RYAN: Park Station.  
7 INSPECTOR CAGNEY: And what assignment at Park  
8 Station?  
9 SERGEANT RYAN: Uh, Supervisor for  
10 Plainclothes Unit.  
11 INSPECTOR CAGNEY: And how many years have you  
12 done that?  
13 SERGEANT RYAN: As a supervisor--  
14 INSPECTOR CAGNEY: Yes.  
15 SERGEANT RYAN: --two-and-a-half years.  
16 INSPECTOR CAGNEY: And do you have previous  
17 experience in plainclothes?  
18 SERGEANT RYAN: Yes.  
19 INSPECTOR CAGNEY: And how many years have you  
20 don't that, that type of work?  
21 SERGEANT RYAN: I've done plainclothes work  
22 for approximately ten years.  
23 INSPECTOR CAGNEY: And you were working with  
24 other officers today?  
25 SERGEANT RYAN: Yes.

1 INSPECTOR CAGNEY: And they were?  
2 SERGEANT RYAN: Albert Lieu and Ruben Reyes.  
3 INSPECTOR CAGNEY: Were they uh, your  
4 subordinates?  
5 SERGEANT RYAN: Yes.  
6 INSPECTOR CAGNEY: Are they part of your team?  
7 SERGEANT RYAN: Yes.  
8 INSPECTOR CAGNEY: And how many years have you  
9 worked with these officers?  
10 SERGEANT RYAN: For the, for the, two, about  
11 two-and-a-half years that I mentioned.  
12 INSPECTOR CAGNEY: And they're regular work  
13 associates or work members of your team?  
14 SERGEANT RYAN: Yes.  
15 INSPECTOR CAGNEY: I see. And uh, you were  
16 driving, not you personally, but you were all in a  
17 vehicle today?  
18 SERGEANT RYAN: That's correct.  
19 INSPECTOR CAGNEY: Can you describe it?  
20 SERGEANT RYAN: It's a uh, grey Crown  
21 Victoria.  
22 INSPECTOR CAGNEY: Did it have emergency  
23 equipment?  
24 SERGEANT RYAN: It does.  
25 INSPECTOR CAGNEY: Uh, and that emergency

1 equipment would be red light, a computer--  
2 SERGEANT RYAN: Red light, siren, computer.  
3 INSPECTOR CAGNEY: I got you. And how about  
4 your equipment and clothing today? Is this what we  
5 see you in, is what you, you were wearing earlier  
6 today?  
7 SERGEANT RYAN: Yes.  
8 INSPECTOR CAGNEY: And you haven't changed or  
9 anything like that?  
10 SERGEANT RYAN: No, I have not.  
11 INSPECTOR CAGNEY: And we're talking a black,  
12 kind of a zip up sports warm up jacket, I guess?  
13 SERGEANT RYAN: Sure.  
14 INSPECTOR CAGNEY: Starter. And your, what's  
15 your pants, blue jeans?  
16 SERGEANT RYAN: Blue jeans.  
17 INSPECTOR CAGNEY: Right, and--  
18 SERGEANT RYAN: - -  
19 INSPECTOR CAGNEY: And can you describe what  
20 equipment you have?  
21 SERGEANT RYAN: I have um, my department  
22 issued firearm, my department issued magazines--  
23 INSPECTOR CAGNEY: How many?  
24 SERGEANT RYAN: Three.  
25 INSPECTOR CAGNEY: Three?

1 SERGEANT RYAN: I have um, at the time I had  
2 two pairs of handcuffs. I had my police radio.  
3 Pepper spray.  
4 INSPECTOR CAGNEY: Star?  
5 SERGEANT RYAN: Star.  
6 INSPECTOR CAGNEY: Okay. Do you wear it on a  
7 chain or in a pocket?  
8 SERGEANT RYAN: I have it in my pocket on a  
9 clip that I can clip onto my outer clothing.  
10 INSPECTOR CAGNEY: Okay. And what was your  
11 tour of duty today?  
12 SERGEANT RYAN: Um, today I had to change my  
13 normal hours, and I, today I worked, started [REDACTED]  
14 hours.  
15 INSPECTOR CAGNEY: Okay. And what time are  
16 you supposed to be on tonight?  
17 SERGEANT RYAN: I was supposed to be off  
18 tonight at [REDACTED].  
19 INSPECTOR CAGNEY: And what was your unit  
20 identifier this evening?  
21 SERGEANT RYAN: 3F135.  
22 INSPECTOR CAGNEY: And is that your usual  
23 identifier?  
24 SERGEANT RYAN: Yes.  
25 INSPECTOR CAGNEY: Okay. And can you kind of

1 give us an idea as to what your assignment was, I  
2 mean, specifically what your assignment was today?  
3 I know it was plainclothes, but did you have a  
4 mission, a task, some kind of operation to carry  
5 out?

6 SERGEANT RYAN: Yeah, at the very beginning of  
7 my, but right after the first initial meeting that  
8 I had to go to, a 1100, after getting out of that,  
9 and making some routine rounds around the Hall of  
10 Justice to check on some stuff, I got a phone call  
11 from somebody who let me know about an incident  
12 that was going on in the Park District. So that  
13 was my main focus, when I got back to the station.

14 INSPECTOR CAGNEY: And can you describe as to  
15 what that conversation entailed?

16 SERGEANT RYAN: I got voice message from uh,  
17 Sergeant [Ahearn] at Noe Station, who left a voice  
18 mail saying, telling me that they were looking for  
19 plainclothes units to go out to the Park District  
20 because there was a vehicle located out there that  
21 was involved in bank robberies in Southern  
22 California. And he let me know that there was a,  
23 there was already some people heading out there.

24 INSPECTOR CAGNEY: And did you learn further,  
25 as you--



1 SERGEANT RYAN: I did return his phone call  
2 after--

3 INSPECTOR CAGNEY: Okay.

4 SERGEANT RYAN: --picking up message, learned  
5 further that there were other officers already out  
6 there. There was a plainclothes sergeant from  
7 Richmond who was already out there. He let me know  
8 that, um, I believe he said that there were members  
9 of the um, Robbery Abatement Team for San Francisco  
10 Police that were out there, either heading out  
11 there or already out there. And um, I believe he  
12 sent somebody from the FBI that was already out, or  
13 headed out there or already out there.

14 INSPECTOR CAGNEY: At some point were you  
15 provided some details, you know, in regards to, to  
16 what, what the situation was about?

17 SERGEANT RYAN: Yeah, when I got out to the  
18 initial area, then I was uh, on a, uh, radio  
19 channel, that uh, I was getting constant updates  
20 and details as to um, the vehicle, where it was  
21 located, a little bit of the history on why it was  
22 wanted, and uh, where it was located.

23 INSPECTOR CAGNEY: And what did you understand  
24 that history to be in regards to the suspect, the  
25 vehicle, or what the, what the backstory was?

1           SERGEANT RYAN: The backstory that I recall  
2 was um, was a [REDACTED] that did uh, at least a  
3 couple, I believe it was, um, armed bank robberies  
4 in Southern California. I think it was, I'm  
5 guessing but I think, right now I'm thinking of  
6 Irvine, California. Did a couple bank robberies,  
7 um, the vehicle that either they knew [REDACTED] was using,  
8 or that [REDACTED] was currently using, was this vehicle,  
9 the gray BMW, um, with paper plates, with a white  
10 paper plate, I think it was with blue writing.  
11 That vehicle uh, had some type of location device,  
12 and uh, GPS device that was turned on this morning.  
13 And that, that vehicle was located and found on  
14 Buena Vista East. Uh, they then told me there was  
15 also details as to the suspect description, as a  
16 [REDACTED]. I believe they said [REDACTED]  
17 [REDACTED] And I remember either [REDACTED]  
18 hair, described there. Um. I also recall them  
19 saying that the last robbery uh, over \$5,000 taken,  
20 and that the vehicle, I believe, was in, I thought  
21 they said at least a couple of chases with other  
22 law enforcement down in Southern California. And  
23 that the suspect uh, attempted to, or attempted to  
24 run over officers and evaded them down in Southern  
25 California.

1 INSPECTOR CAGNEY: Okay. And what  
2 specifically were you tasked to do in regards to  
3 this information, what was your, going to be your  
4 responsibilities or duties?

5 SERGEANT RYAN: My responsibilities, at that  
6 time, was to be on the outer perimeter and assist  
7 the several officers that were, uh, that were  
8 observing the vehicle, and closer to the vehicle,  
9 assist them, when and if the suspect came back to  
10 the vehicle and apprehending the suspect.

11 INSPECTOR CAGNEY: Were you at your, by  
12 yourself at this point, at the scene?

13 SERGEANT RYAN: I was there by myself at the  
14 scene, at that point, yes.

15 INSPECTOR CAGNEY: And did you make some  
16 directions to some of your team to later join you?

17 SERGEANT RYAN: Once my uh, other, yes, I did.  
18 Once my other officers came on at, uh, at [REDACTED] I  
19 directed them to come and also set up in the area,  
20 and brief them on what the situation was. And told  
21 them to take up another position in order to assist  
22 the officers there, apprehend him, subdue the  
23 suspect, come back to the car.

24 INSPECTOR CAGNEY: And these other officers  
25 were?

1 SERGEANT RYAN: It was Officer Reyes and  
2 Officer Lieu.

3 INSPECTOR CAGNEY: And when you say you brief  
4 'em, did you impart the same information that you  
5 were already aware of in terms of the particular of  
6 this individual and the crimes involved?

7 SERGEANT RYAN: What I just told you, yeah,  
8 describing that background is what I, the same  
9 thing I gave them.

10 INSPECTOR CAGNEY: And the full gamut of  
11 information that you had at that point.

12 SERGEANT RYAN: That's correct.

13 INSPECTOR CAGNEY: So, you're in a different  
14 car. What was your location?

15 SERGEANT RYAN: Um, I was down on Page, and I  
16 want to say it's Baker at that point. I'm not  
17 quite, not, I'm not real sure on that. I know I'm  
18 looking in these photos, it's the uh, the closest  
19 cross street of Page, that would be, that would  
20 cross page from the bottom of Buena Vista East.

21 INSPECTOR CAGNEY: And you directed your  
22 officers to another location?

23 SERGEANT RYAN: I did.

24 INSPECTOR CAGNEY: Which was?

25 SERGEANT RYAN: I directed them to the uh, the

1 area of Duboce and Divisadero, which would've been  
2 on the complete uh, southern side of the park,  
3 where I was, as opposed to by myself, which I was  
4 in the northern part.

5 INSPECTOR CAGNEY: I see. And Sergeant, what  
6 basically happened, at least at this juncture of  
7 things. I mean, you're down the street, your team  
8 is, is--

9 SERGEANT RYAN: Right.

10 INSPECTOR CAGNEY: --a few blocks away, and  
11 you're on the outer perimeter. What if anything  
12 happens at this point?

13 SERGEANT RYAN: At that point, um, the uh,  
14 robbery apprehension team who was taking the lead,  
15 uh, told us that they were going to place some type  
16 of uh, device on the vehicle, and um, would be  
17 alerted so if the vehicle started moving. And  
18 then, would attempt to apprehend it at that time.  
19 At that time, I also explain--or told them um, that  
20 we would be in the area, uh, some of us as late as  
21 midnight, and then if they needed anything or the  
22 car was moving, and they needed anything, that we'd  
23 be in the area, that they can get ahold of us.

24 INSPECTOR CAGNEY: Okay. And what happens  
25 next?

1           SERGEANT RYAN: Then they told us that they  
2 were uh, they were then going to pull off, and then  
3 I went back to the st--we all went, uh, the Park  
4 officers, myself, went back to Park Station. And I  
5 briefed uh, Park Station's uh, swing watch, as to  
6 what was going on, and where the vehicle's looking-  
7 -

8           INSPECTOR CAGNEY: So, just so I understand  
9 ourselves, uh, or myself, so, at some point the  
10 surveillance operation was over with. Is that, is  
11 that under--is that, am I understanding it  
12 correctly?

13          SERGEANT RYAN: Yes, you are.

14          INSPECTOR CAGNEY: And then you were going to  
15 go back to uh, Park Station and brief the station,  
16 but it, there was no surveillance going to be  
17 maintained on the car.

18          SERGEANT RYAN: Not, not a direct  
19 surveillance, there was some type of other  
20 electronic surveillance, maybe they would set up  
21 later on.

22          INSPECTOR CAGNEY: Nobody was going to watch  
23 it.

24          SERGEANT RYAN: But no, nobody was going to  
25 watch it, and we were going to be in the area.

1 INSPECTOR CAGNEY: And you were, your, I think  
2 your task was to alert everybody else at your  
3 station as to what was going on and, with the car  
4 and everything else.

5 SERGEANT RYAN: So that occur, the car start  
6 moving, that everybody there, it was, knew what was  
7 going on, and that they were briefed as to what was  
8 going on.

9 INSPECTOR CAGNEY: At some point, did you  
10 consolidate your team, the three of you were  
11 together?

12 SERGEANT RYAN: Yes.

13 INSPECTOR CAGNEY: And go ahead from that  
14 point on, if you would.

15 SERGEANT RYAN: Later on, after doing that,  
16 the, my, the officers I had working, Officer Ruben,  
17 Officer Reyes, and I, um, got into the uh, our  
18 unmarked Crown Vic, and went about doing other  
19 business that we had to do during the day, and  
20 answer in, assisting with answering calls for  
21 service in the district, and coordinate other  
22 operations.

23 INSPECTOR CAGNEY: Your regular duties.

24 SERGEANT RYAN: Regular duty.

25 INSPECTOR CAGNEY: And about what time did you

1 start doing your regular duties?

2 SERGEANT RYAN: Um, that was probably ...

3 3:30.

4 INSPECTOR CAGNEY: Okay. Do you remember who  
5 was sitting where? And who was driving, all that  
6 kind of thing.

7 SERGEANT RYAN: Officer Lieu was in the  
8 driver's seat, I was in the front passenger seat,  
9 and Officer Reyes was in the uh, rear passenger  
10 seat behind the driver, which was Officer Lieu.

11 INSPECTOR CAGNEY: In speaking to Officer Lieu  
12 and Officer Reyes, though, obviously at some point,  
13 the three of you found yourself back over in Buena  
14 Vista. Can you kind of walk us through that?

15 SERGEANT RYAN: Sure.

16 INSPECTOR CAGNEY: I mean, what brought you  
17 over there, what the thinking was. And, uh, you  
18 know, how you approached it in approaching the car.

19 SERGEANT RYAN: Okay. We directed ourselves,  
20 and we went over, we actually answered a call for  
21 service that was up near 17th Street, which is in  
22 the general vicinity of the part of, that part of,  
23 the same part of the district where the vehicle was  
24 located. After that, uh, calls for service was,  
25 was handled. I uh, I then spoke with the officers,



1 and then we decided that since um, we were doing  
2 the other surveillance and we were on the outer  
3 perimeter and we didn't get an opportunity to take  
4 a visual look at the vehicle, that we would drive  
5 down Buena Vista East and at the very least be able  
6 to take a good look at the vehicle, should we see  
7 it later on. We knew the vehicle we were looking  
8 for and we had an idea in our mind what the vehicle  
9 looked like. So then we went down and put  
10 ourselves in position, we were traveling down Buena  
11 Vista East, going in a northern direction.

12 INSPECTOR CAGNEY: Towards Haight.

13 SERGEANT RYAN: Towards Haight Street.

14 INSPECTOR CAGNEY: Down the hill.

15 SERGEANT RYAN: Correct. Um. We remember  
16 from the surveillance that the vehicle was parked  
17 next to, want to say it was described as a yellow  
18 cargo van. And we knew then, once we got down  
19 towards the end of the block, they described it as  
20 being almost [REDACTED] up from Haight Street. Once  
21 we came down the block and knew we were in the  
22 general area, we started looking for the vehicle.  
23 And then we were able to see the, the cargo van and  
24 knew that the vehicle would be close to that, if it  
25 was still there. We came down northbound, down

1 Buena Vista East. We saw the vehicle, recognized  
2 the vehicle, same description given to us prior to  
3 that. Saw the paper plates. Saw the writing on  
4 the back of the plate and knew that that was the  
5 same vehicle. As we drove past the vehicle,  
6 Officer Lieu, the driver, said that he thought the  
7 rear lights were on in the vehicle, and that the  
8 sun roof was opening up. Uh. Officer Reyes and I  
9 kind of asked him, "Are you sure you saw all that?"  
10 was kind of the way we put it. And he goes, "Yeah,  
11 I think so." So, as we got down to the end of the  
12 block, Officer Lieu then got down to Haight Street  
13 and made a quick U-turn and went back up the to the  
14 block, back up uh, southbound back up Buena Vista.  
15 At that point, we drove back up the block. As we  
16 came up on the vehicle, or came near the vehicle,  
17 uh, looked again to see if we could see what he  
18 described as the rear taillights on. And then just  
19 because of the daylight and the lighting and all  
20 that, it looked as to me, it was tough to tell if  
21 the lights were on or not. The reflect--I don't  
22 know if it was the reflection of the sun, it was  
23 bright. I wasn't quite sure. Looking inside the  
24 vehicle from where I was at, to see if it was  
25 occupied, I wasn't sure or not, but I thought I

1 might've saw maybe a baseball cap or something like  
2 that, or something in the driver's side of the  
3 vehicle. Officer Lieu passed the vehicle, and then  
4 once we, once we decided that maybe, it looked like  
5 there was somebody in there, he quickly put the car  
6 in reverse and went back down towards the vehicle.  
7 Um. At that point, we were almost parallel to the  
8 vehicle, I think we were a little bit south of the  
9 vehicle, when I looked over to my right out of the  
10 passenger side of the vehicle, I can look into the  
11 vehicle that we were looking for, and saw that it  
12 was definitely occupied, the driver.

13 INSPECTOR CAGNEY: Okay.

14 SERGEANT RYAN: Knowing what was going on and  
15 knowing that this is an armed robber and I've been-  
16 -everything that the, out of Southern California, I  
17 immed--I immediately got out of the vehicle and  
18 took out my department issued firearm, and then  
19 attempted to conduct a felony stop, as we all did,  
20 instructing the driver at gunpoint to show us [REDACTED]  
21 hands, get out of the vehicle.

22 INSPECTOR CAGNEY: You remember specifically  
23 you jumped out of the passenger seat and where are  
24 you positioned at this point when you, you hit the  
25 pavement? I mean, are you--I mean, we have photos

1 here, if that helps.

2 SERGEANT RYAN: Right.

3 INSPECTOR CAGNEY: And if it doesn't help,  
4 that's fine. But if you remember your positioning  
5 in regards to, to the suspect vehicle, the BMW--

6 SERGEANT RYAN: I remember being at, behind  
7 the vehicle, at the rear, at the rear of the  
8 vehicle, and towards the uh, would've been like the  
9 driver's side uh, rear of the vehicle. So, almost  
10 positioned it myself where I could see down the  
11 driver's side of the vehicle, from the rear, and  
12 then also be able to look inside the vehicle from  
13 behind the vehicle, behind the driver, so I always  
14 had a corner view of both sides of the vehicle, at  
15 that point. Or that side of the vehicle.

16 INSPECTOR CAGNEY: I see. And you're saying  
17 you have your firearm, it's drawn down on the  
18 vehicle.

19 SERGEANT RYAN: Yes.

20 INSPECTOR CAGNEY: And you're giving commands.  
21 Do you remember what commands you're giving? If  
22 you remember.

23 SERGEANT RYAN: I remember yelling, I remember  
24 yelling, "Police," several times. I remember  
25 ordering the driver to show me [REDACTED] hands. I also

1 remember the driver, yelling at the driver to get  
2 out of the car and to get--several times. I  
3 remember yelling all those, "Police, let me see  
4 your hands, get out of the car," several times.

5 INSPECTOR CAGNEY: Could you see Officer Reyes  
6 or Officer Lieu?

7 SERGEANT RYAN: I remember seeing Officer  
8 Lieu, I believe to my left. And I'd be guessing,  
9 but I, I think that Officer Reyes was to my right.  
10 I am not, I wouldn't, I can't say for sure, though.

11 INSPECTOR CAGNEY: Could you hear them giving  
12 commands? Or one or the other?

13 SERGEANT RYAN: Both.

14 INSPECTOR CAGNEY: Both giving commands.

15 SERGEANT RYAN: Yes.

16 INSPECTOR CAGNEY: Do you remember anything  
17 that they said in particular? It, it--you know  
18 what? It's a lot to ask to recall, but if you do,  
19 great; if you don't, don't worry about it.

20 SERGEANT RYAN: I remember specifically them  
21 yelling, "Police," I remember them saying, asking  
22 to see their hands, also, obviously, I also  
23 remember Officer Lieu specifically yelling at the  
24 driver to turn off the vehicle. And the reason I  
25 remember that specifically is because I didn't even

1 think the vehicle was running at the time. So, I  
2 remember that clicked, that he was telling the  
3 driver, "Turn off the vehicle, turn off the  
4 vehicle," when I didn't even know the vehicle was  
5 actually running.

6 INSPECTOR CAGNEY: Sergeant, right now, how  
7 far, again, and it's an estimation, but from the  
8 back of the BMW we'll call it, that's parked at  
9 this point--

10 SERGEANT RYAN: Right.

11 INSPECTOR CAGNEY: --there's the radio car  
12 behind it, and then you are behind the radio car  
13 and the BMW. Is that accurate?

14 SERGEANT RYAN: Yeah, that's accurate.

15 INSPECTOR CAGNEY: And about how close do you  
16 think you physically were to the back of the BMW?  
17 Or to the side or wherever you think you were?  
18 Arms reach, is it longer than that? Or--

19 SERGEANT RYAN: I would say a little bit  
20 longer than arm's reach from the vehicle. I can--

21 INSPECTOR CAGNEY: Okay.

22 SERGEANT RYAN: Yeah, I was, yeah, 'cause I'm  
23 saying if I would reach out, I don't think I'd be  
24 able to touch the vehicle. But I was maybe only a  
25 foot or two further than that.

1 INSPECTOR CAGNEY: When you're giving these  
2 commands and as you say, that you can hear Office  
3 Lieu, and presumably Officer Reyes giving commands,  
4 do you see any reaction from the person in the car?

5 SERGEANT RYAN: The only reaction I remember  
6 from the driver was um, uh, the driver looking up  
7 as if ■ was looking up in the rearview mirror, and  
8 maybe looking slightly to ■ left or slightly to  
9 ■ right. I'm not, I didn't see any other--

10 INSPECTOR CAGNEY: Could you tell if the, in  
11 fact, the sunroof was open or the windows were up  
12 or down on either side of the car?

13 SERGEANT RYAN: I want, I believe that the  
14 driver's side window was down. Honestly, I wasn't  
15 looking at the sunroof, I have no idea if it was  
16 open or not.

17 INSPECTOR CAGNEY: You remember any loud music  
18 coming from the car?

19 SERGEANT RYAN: I don't remember any music  
20 coming from the car.

21 INSPECTOR CAGNEY: We'll take you right back  
22 to where you are. You had the gun out, you're  
23 issuing commands, you can see Officer Lieu, you can  
24 hear what he's saying about "Turn off the car."  
25 Um. What do you do next?

1           SERGEANT RYAN: We continue several, for quite  
2 a while, to order [REDACTED] to get out of the vehicle and  
3 show us [REDACTED] hands. [REDACTED] doesn't react at all. I  
4 know that an extended amount of time, um, I'd be  
5 guessing to say exactly what that is, right, it  
6 felt like quite a while--Not, I mean, it, more than  
7 a little bit that he was just, there was no  
8 reaction. Uh, the car wasn't moving, the car was  
9 still stopped, where it was, and we were still  
10 yelling for command, yelling commands.

11           INSPECTOR CAGNEY: With no response.

12           SERGEANT RYAN: With no response.

13           INSPECTOR CAGNEY: Okay, are you doing  
14 anything other than giving commands? Are you using  
15 the radio? Are you uh, attempting to direct your  
16 officers? I mean--

17           SERGEANT RYAN: Yes, I remember, as we got out  
18 of the vehicle, and began ordering [REDACTED] out, I got  
19 on the radio. I know that I put out where we were,  
20 and I broadcasted where we were. And I also  
21 remember calling for a 1025.

22           INSPECTOR CAGNEY: Okay. And this is before,  
23 just at the issuance of command stage, the car  
24 hasn't moved and nothing else has happened. It's  
25 just kind of frozen at that point.



1           SERGEANT RYAN: Just that, exactly, and just  
2 that the, the fact that we were there, giving  
3 commands, and encountering ■■■, was, was why, and  
4 the nature of what we, what we knew about ■■■,  
5 that's why I was letting them know where ■■■ was,  
6 and I was asking for additional units to the area.

7           INSPECTOR CAGNEY: All right, Sergeant, right,  
8 kind of take us back from that point now. I mean,  
9 what happens next?

10          SERGEANT RYAN: At that point, the vehicle  
11 starts to slowly back up. And is slowly starting  
12 to maneuver. In other words, I could see it slowly  
13 backing up and I can see ... I can see it looked  
14 like the vehicle, the front of the vehicle start to  
15 move to the left, as the tail would move to the  
16 right.

17          INSPECTOR CAGNEY: So, as if somebody's  
18 manipulating the wheel to, to maneuver the vehicle.

19          SERGEANT RYAN: Right.

20          INSPECTOR CAGNEY: I see. So it's under,  
21 basically under direction.

22          SERGEANT RYAN: Right. At that point, I  
23 specifically remember taking steps backwards, to  
24 just literally get away from the vehicle. Um. At  
25 that point, I know the vehicle started moving even

1 more. And I know that other vehicles around it,  
2 especially the one that was towards the, um, south  
3 of it--

4 INSPECTOR CAGNEY: We got pictures, so--

5 SERGEANT RYAN: --towards the south, I  
6 remember this vehicle that's located towards the  
7 south--

8 INSPECTOR CAGNEY: Right.

9 SERGEANT RYAN: --was rubbing up against the  
10 vehicle and [REDACTED] was literally pushing that vehicle  
11 up toward, up the hill, as [REDACTED] trying to maneuver  
12 back.

13 INSPECTOR CAGNEY: Okay. So [REDACTED] doing a  
14 backward movement.

15 SERGEANT RYAN: Right.

16 INSPECTOR CAGNEY: But in the, and I'm just  
17 paraphrasing what you're saying, but as [REDACTED] moving  
18 backwards, [REDACTED] front end is now making contact with  
19 a parked car, and applying pressure to that car  
20 forward. Is, is that accurate?

21 SERGEANT RYAN: Right. Forward and to the,  
22 pressure to the vehicle to go forward, and then to  
23 push almost uphill. So, towards the other vehicle  
24 that would've been to uh, the left of that vehicle.

25 INSPECTOR CAGNEY: But this is in the rearward

1 movement, not in the forward movement of the car.

2 SERGEANT RYAN: Right. This is causing,  
3 because [REDACTED] looks as if [REDACTED] turning the vehicle and  
4 pulling down towards the hill with the, the tail,  
5 that's, the front of the vehicle would be pushing--

6 INSPECTOR CAGNEY: It's pu--no, I, I hear what  
7 you're saying--

8 SERGEANT RYAN: Okay.

9 INSPECTOR CAGNEY: --but I'm just--

10 INSPECTOR DELAHUNTY: The front end swing.

11 INSPECTOR CAGNEY: Right.

12 SERGEANT RYAN: Right, exactly.

13 INSPECTOR DELAHUNTY: Front end swing.

14 INSPECTOR CAGNEY: I guess our, our question  
15 is, the contact with the car, as you describe it,  
16 happens in the rearward movement, not in the  
17 forward movement, which presumably may happen  
18 later, so.

19 SERGEANT RYAN: Yeah, exactly, that's--

20 INSPECTOR CAGNEY: Okay.

21 SERGEANT RYAN: I remember pulling uh, steps,  
22 taking more steps back, almost being, at this  
23 point, because [REDACTED] moving back towards me, further  
24 up on the vehicle, I'm almost now where like the  
25 rear uh, the backseat of the vehicle would be.

1 INSPECTOR CAGNEY: You, the BMW.

2 SERGEANT RYAN: The BMW.

3 INSPECTOR CAGNEY: Okay.

4 SERGEANT RYAN: And then as this is going on,  
5 ■ keeps moving back further and further, and it's  
6 not a, it's not in a very fast pace, ■ just  
7 maneuvering it and crunching things and moving them  
8 out of the way, almost like a, a slow like trash  
9 compactor moving, crushing--

10 INSPECTOR CAGNEY: Oh, I see, so ■ in  
11 contact the whole time--

12 SERGEANT RYAN: Yeah.

13 INSPECTOR CAGNEY: --as ■ moving backwards,  
14 with the other cars.

15 SERGEANT RYAN: Yes, yes.

16 INSPECTOR CAGNEY: Okay.

17 SERGEANT RYAN: Um.

18 INSPECTOR DELAHUNTY: Did ■ hit your car?

19 SERGEANT RYAN: I remember the crunching, and  
20 I do know that, I remember the, the door, the  
21 driver's side, or the passenger side door that I  
22 got out of, I remember that making contact with,  
23 with one of the vehicle, with ■ either ■  
24 vehicle or the--I remember it making contact,  
25 'cause I can hear the crunching.

1 INSPECTOR DELAHUNTY: Okay.

2 SERGEANT RYAN: At that point, from watching,  
3 looking at [REDACTED] trying to keep an eye on [REDACTED]  
4 looking at the vehicle coming back, the vehicle's  
5 crunching on the left, my vehicle, I think,  
6 crunching, um. [REDACTED] then really, comes out and  
7 deliberately comes back and is getting closer and  
8 closer, and I'm trying to look to my, keep an eye  
9 and look for some type of route to, to get out of  
10 the way, move, do whatever I need to do, in order  
11 not to get in the middle of this--

12 INSPECTOR CAGNEY: Trapped.

13 SERGEANT RYAN: Yeah, crunched here, in the  
14 middle of this. I know that I'm, I'm at the point  
15 now where I'm back up on my own vehicle, and that  
16 I'm, like, I can feel the backside of myself  
17 pushing up against my vehicle. And [REDACTED] getting  
18 closer and not seeing a way to get out of it. And  
19 at that point, it got to the point where I didn't  
20 see a way out, as [REDACTED] was moving back and getting  
21 closer and closer, this was putting me in a  
22 position where I was getting pinned between my car  
23 and [REDACTED] car, and then I, I fired at, at the driver,  
24 fired my department issue weapon in order to get  
25 [REDACTED] to stop doing what [REDACTED] was slowly, deliberately

1 doing.

2 INSPECTOR CAGNEY: I see, Sergeant Ryan. Do  
3 you remember um, you know, spatially, you know, if  
4 you, if my diagram helps, great; and if it doesn't,  
5 but I mean about how close are you now to, how  
6 close is the suspect vehicle to you? And how close  
7 are you to, you know, the car that's coming back  
8 towards you? I mean, can you touch this car at  
9 this point now? Or is it still not that close?

10 SERGEANT RYAN: No, if I, if I could reach out  
11 with my, my left hand and I could probably touch  
12 the vehicle at this point.

13 INSPECTOR CAGNEY: And it's--

14 SERGEANT RYAN: And if I can go reach back  
15 with my other hand, no, I'm definitely against my  
16 vehicle.

17 INSPECTOR CAGNEY: I see, and you're, you're  
18 kind of pinned between the two cars, as you  
19 describe it.

20 SERGEANT RYAN: Right.

21 INSPECTOR CAGNEY: You know, part of, uh, our  
22 responsibility is to investigate these, is to kind  
23 of get a sense of what goes through an officer's  
24 mind, as you know the legalities just as we do. I  
25 mean, it's important to understand what's going

1 through the officer's mind, what [REDACTED] perceptions  
2 are, what [REDACTED] feelings are, really, you know, in  
3 essence.

4 SERGEANT RYAN: Right.

5 INSPECTOR CAGNEY: So, I mean, you've already  
6 kind of alluded to it, but can you kind of expand a  
7 little bit about what's going through your mind  
8 when you see this car coming back and you notice--

9 SERGEANT RYAN: Well--

10 INSPECTOR CAGNEY: --that you're not going to  
11 be able to get back past it?

12 SERGEANT RYAN: My, as soon as that vehicle  
13 starts coming backwards, at the very point where  
14 it's coming backwards, my first initial reaction is  
15 "Get the, get out, I'm going to get out of the way  
16 of this vehicle, and I want to be, and I'm not  
17 going to get hit by it, I'm not going to get--I'm  
18 not going to put myself in the position where I'm  
19 going to get hurt." As [REDACTED] coming back even  
20 further, I'm noticing that I don't have anywhere  
21 to--I'm getting the feeling I have nowhere to go.  
22 And [REDACTED] deliberately coming back, and [REDACTED] going  
23 to get out, or [REDACTED] going to crush me, or [REDACTED]  
24 going to, I'm going to get pinned on this. And  
25 then at that point, I felt like I had no other

1 decision but to fire and to stop [REDACTED] otherwise, I  
2 was going to, I was going to get crushed and hurt,  
3 or killed by this [REDACTED] pulling back and--

4 INSPECTOR CAGNEY: So you were scared you were  
5 going to get injured by this [REDACTED] Or worse.

6 SERGEANT RYAN: I knew that I was going to get  
7 injured by this [REDACTED] if I didn't do anything.

8 INSPECTOR CAGNEY: There's no question about  
9 it.

10 SERGEANT RYAN: I know, no question.

11 INSPECTOR CAGNEY: All right, so you say that  
12 you discharge your weapon.

13 SERGEANT RYAN: Yes.

14 INSPECTOR CAGNEY: Do you recall how many  
15 times you fired?

16 SERGEANT RYAN: I know how many times I fire,  
17 only because I know that I emptied what I had in my  
18 weapon. So it would've been 13, 12 in the  
19 magazine, one in the chamber. I know that for a  
20 fact because I know one of my other officers that  
21 was there, um, he immed--was yelling out, "Scott,  
22 you're [REDACTED] Scott, you're [REDACTED] And I knew that  
23 from my training, knowing that I had fired dry. I  
24 didn't realize at the time, I looked down at my  
25 weapon, saw the slide all the way locked, all the



1 way back, and at that point then I know that I was  
2 able to move back into position and I remember  
3 taking out another magazine, put it in the well of  
4 my gun and put the slide forward.

5 INSPECTOR CAGNEY: Okay. Did, when you opened  
6 fire on the car, if you recall, what happened with  
7 the vehicle and the driver? I mean, did it  
8 continue its rear movement? Or did it stop its  
9 rear movement?

10 SERGEANT RYAN: I remember the vehicle coming  
11 back, and I remember as I was firing the vehicle  
12 ... continued to come back. But at some point, the  
13 vehicle then either lurched or moved--I don't know,  
14 it moved forward somehow. I don't know how that  
15 happened or what happened, but I do recall it  
16 coming back, I was firing, and the vehicle, I--I'm  
17 almost positive, moved forward at that point,  
18 somehow.

19 INSPECTOR CAGNEY: You didn't actually see  
20 that? Or that's what you saw after the fact, or--

21 SERGEANT RYAN: I know that my view where I  
22 was when I was firing, that ■ was coming back.  
23 And as I was firing, and then I remember looking  
24 for where that suspect was, I remember ■ going to  
25 my, towards my right, which would indicate that ■

1 was, [REDACTED] was going backwards, and then I remember  
2 [REDACTED] coming to my left. I don't know, maybe if that  
3 was my positioning or if that's where [REDACTED], the  
4 vehicle moved or what, but I, that's what I  
5 remember happening.

6 INSPECTOR CAGNEY: And Sergeant, this is a  
7 difficult question, so I, you know, there's no way  
8 that you need to guess on it, but when the car went  
9 forward, was it still under your fire at that  
10 point? Or were most of your rounds discharged when  
11 the car was moving backwards? Is it your  
12 recollection? Or was it kind of a continuous  
13 movement from the car going back to kind of  
14 lurching forward, and the entire time you're  
15 engaged with it? If you kind of see what I'm  
16 trying to say. And if that's kind of a difficult  
17 question to answer, you know, I understand.

18 SERGEANT RYAN: I think if I, if I, yeah, I--I  
19 know I fired my weapon until I saw that [REDACTED] was  
20 stopped, the car was stopped doing what it was  
21 going to do to put myself in that position. I'd be  
22 guessing to say that I was discharging my weapon as  
23 [REDACTED] was going back, and also discharging it as it  
24 was going forward. I, it--

25 INSPECTOR CAGNEY: It was, I guess a better

1 way than I probably, that was a very poorly phrased  
2 question, better question is, when you fired your  
3 rounds, was it kind of a continuous situation, or  
4 did you pause and then, you know, fire again, if  
5 you remember?

6 SERGEANT RYAN: I remember it being a  
7 continuous thing.

8 INSPECTOR CAGNEY: A continuous position.  
9 When you were discharging your weapon, obviously  
10 your focus is on the vehicle. Do you know if,  
11 where the rounds were going, were they going in the  
12 passenger compartment, or--?

13 SERGEANT RYAN: My, my focus was the driver.

14 INSPECTOR CAGNEY: Okay.

15 SERGEANT RYAN: Uh, and, I, I know, yeah, I  
16 know for a fact that the rounds that I was, that I  
17 was firing, that was hitting the driver, just from  
18 uh, [REDACTED] physical reaction, I know that there  
19 was, yeah, [REDACTED] left hand side of the body, I  
20 remember knowing for sure that what I thought were  
21 my rounds were [REDACTED]

22 INSPECTOR CAGNEY: Did you have any perception  
23 or any awareness of what Officer Lieu or Officer  
24 Reyes were doing while you were engaged with the  
25 driver?

1           SERGEANT RYAN: I knew that there was an  
2 officer, which I believe was Officer Lieu to my  
3 left, I think it was Al to my left, and I know that  
4 he was in a, he was somehow, in looking at the  
5 pictures, he was somehow involved in an area that I  
6 believe was closer to this other vehicle and the  
7 BMW, that are obviously touching each other, or  
8 that sort of look like they're touching each other  
9 in this picture.

10           INSPECTOR CAGNEY: So you could see him in  
11 that general area?

12           SERGEANT RYAN: That's, I remember looking off  
13 and seeing him in my, in my um, peripheral, that  
14 that's what it looked like where Al was.

15           INSPECTOR CAGNEY: Did you ever see either  
16 Officer Reyes or Office Lieu, fire at the vehicle  
17 or at the, the individual driving?

18           SERGEANT RYAN: No.

19           INSPECTOR CAGNEY: Did you have any awareness  
20 of other gunshots going off near--?

21           SERGEANT RYAN: I knew there was another, I  
22 knew there was at least one other person firing,  
23 yes.

24           INSPECTOR CAGNEY: And, and why do you say  
25 that?

1 SERGEANT RYAN: I just--

2 INSPECTOR CAGNEY: Just could hear it, more,  
3 on some level.

4 SERGEANT RYAN: Just know from, from, from  
5 where my, my, when I was firing, knowing that,  
6 yeah, I knew there was another, just I knew because  
7 of the success, of the sounds of the, the rounds  
8 going off. That that wasn't just coming from my  
9 gun.

10 INSPECTOR CAGNEY: When the car ended up in,  
11 in the configuration you see now, it's basically,  
12 you know, facing southbound. Is this the direction  
13 that you last saw Officer Lieu? Or you know, at  
14 some point, when you reacquired him, was he still  
15 to the front of the vehicle, the BMW, or was he  
16 around to the side, if you know?

17 SERGEANT RYAN: I don't know, I know that once  
18 I reacquired Al and, and Ruben, that we were out on  
19 ... I, you know, I don't--I'm sure that there were  
20 officers that were on the driver's side, still  
21 ordering [REDACTED] to show [REDACTED] hands. I know that we  
22 couldn't still see [REDACTED] hands. I recall, I think it  
23 was like one of [REDACTED] feet coming out of the vehicle,  
24 like [REDACTED] was going to try and crawl out of the  
25 vehicle, or do something like that. And then I

1 remember continuing to order to see [REDACTED] hands,  
2 because I do remember, as we finally came up to the  
3 vehicle, I was able to open up the car door, the  
4 driver's side door, and remember pulling back a  
5 little bit, 'cause [REDACTED] was still moving and [REDACTED] had,  
6 I think it was [REDACTED] right hand that was still  
7 underneath [REDACTED] right side of h[REDACTED] body. So, I  
8 remember we all pulled back again, 'cause [REDACTED] was  
9 still moving [REDACTED] arms, so--so doing whatever [REDACTED] was  
10 doing, still alive, [REDACTED] still looked like he was  
11 capable of moving. And [REDACTED] was, and we couldn't see  
12 the other hand. So we continued to step back, I  
13 remember, and keep ordering [REDACTED] to, to show us [REDACTED]  
14 hands.

15 INSPECTOR CAGNEY: Did [REDACTED] ever say anything?  
16 The suspect.

17 SERGEANT RYAN: I don't remember [REDACTED] saying  
18 anything.

19 INSPECTOR CAGNEY: Nothing. Um. What was the  
20 intention, I mean, it's kind of obvious, but we  
21 have to ask sometimes obvious questions. What was  
22 the intention when yourself and your team jumped  
23 out of the car, and interacted with this  
24 individual? What was the plan? What were you  
25 trying to accomplish by, you know, engaging this

1    [REDACTED]    Contacting [REDACTED] is a better word.

2            SERGEANT RYAN: In exiting my vehicle, my  
3 intention was to take [REDACTED] into custody 'cause I  
4 knew [REDACTED] wanted down in Southern California for bank  
5 robberies?

6            INSPECTOR CAGNEY: Fair enough. So, going  
7 back to, you've discharged your weapon, you know  
8 there's another weapon involved, you've reacquired  
9 Officer Lieu to, now to your left, I take it, or to  
10 your front?

11           SERGEANT RYAN: I think so.

12           INSPECTOR CAGNEY: Or, or you guys are around  
13 to the side of, of the Crown Vic now, away from the  
14 car--

15           SERGEANT RYAN: I know that--

16           INSPECTOR CAGNEY: --and you're still giving  
17 commands.

18           SERGEANT RYAN: You know, I know, I, yeah,  
19 we're still giving commands. I remember Officer  
20 Reyes then being on the other side of the vehicle.  
21 And I know that he was on the side of the vehicle  
22 because as other officers came to the scene,  
23 Officer Reyes made it clear that there was an issue  
24 with crossfire between officers that were on the  
25 driver's side, and now him taking a position on the

1 passenger side.

2 INSPECTOR CAGNEY: How did, did you guys, did  
3 you ever make contact, you yourself or your  
4 teammate, make contact with the driver? I mean,  
5 physically?

6 SERGEANT RYAN: Yeah, I, yes. At some point--

7 INSPECTOR CAGNEY: Explain.

8 SERGEANT RYAN: --I reached into the vehicle,  
9 and managed to grab the suspect, and pull [REDACTED] and  
10 I just remember being able to pull [REDACTED], and so [REDACTED]  
11 be in the position where I could see that hand that  
12 was still down towards [REDACTED] right hand side. And  
13 then once I did that, and saw that [REDACTED] hands were  
14 clear of anything, any weapons or anything like  
15 that, I think it was Officer Reyes that came up,  
16 and was able just at least to get handcuffs on the  
17 front of [REDACTED] hands, and handcuff [REDACTED] to the front,  
18 so at least [REDACTED] hands were secure to the front.

19 INSPECTOR CAGNEY: Did you notice if the  
20 vehicle was still in drive or running or neutral or  
21 still in operation? If--

22 SERGEANT RYAN: I have no idea.

23 INSPECTOR CAGNEY: No? And did either of you,  
24 uh, your team, take the driver out of the car, or  
25 was [REDACTED] still in the car by the time help arrived?



1 SERGEANT RYAN: Well, as ■■■, as help arrived,  
2 ■■■ was still in the vehicle.

3 INSPECTOR CAGNEY: Okay. And what were your  
4 actions pretty much after this was over with? I  
5 mean, you're with your team, help has arrived at  
6 this point.

7 SERGEANT RYAN: I remember stepping back, I  
8 remember um, Sergeant [Kane] being there, I  
9 remember people yelling to call for an ambulance.  
10 I remember I was about to get on the radio, and I  
11 think at that point Lieutenant Solomon was behind  
12 me, and Lieutenant Solomon called for an ambulance.  
13 Um. And at that point, Lieutenant Solomon walked  
14 out to me, quickly said, "Did you fire, who fired,  
15 did you fire?" And I said, "I fired." He said,  
16 "Okay," and then when we were walking back away  
17 from this, away from the scene, and then making  
18 contact with Sergeant Kane. And then soon after  
19 that, left the scene.

20 INSPECTOR CAGNEY: Do you know where your  
21 expended magazine ended up?

22 SERGEANT RYAN: I think it was on the hood of  
23 the Crown Vic, of our car. I think.

24 INSPECTOR DELAHUNTY: Did you put that there,  
25 or did somebody else put it there?

1           SERGEANT RYAN: I don't know. I don't think  
2 that I put it there, because I, I'm pretty sure  
3 that I, all I did was return and hit the magazine  
4 release, drop it, like, yeah, like I normally  
5 would, and, and then thrown it--

6           INSPECTOR DELAHUNTY: Hit the ground.

7           SERGEANT RYAN: Yeah, so I don't ... I don't  
8 remember, yeah, I don't think I placed it on the  
9 vehicle.

10          INSPECTOR DELAHUNTY: Okay.

11          INSPECTOR CAGNEY: I'm spent. I don't know if  
12 you've--

13          INSPECTOR DELAHUNTY: Uh. Just, you know, a  
14 couple, couple quick questions, and uh, let me go  
15 back. It's something I didn't ask anyone else, but  
16 you started talking about channels. When you guys,  
17 when you were giving directions, you were on  
18 another, you were on a, like a surveillance channel  
19 or a, like a--

20          SERGEANT RYAN: When, if you're referring to  
21 the first time we were out there?

22          INSPECTOR DELAHUNTY: Yeah.

23          SERGEANT RYAN: We were on the um, what, I  
24 believe the Robbery Apprehension Team uses. And it  
25 was B16.

1 INSPECTOR DELAHUNTY: Okay, you know what, I  
2 haven't, I haven't done surveillance in a while.  
3 But is that, you think that's monitored, or--?  
4 SERGEANT RYAN: I know it's not monitored.  
5 INSPECTOR DELAHUNTY: Okay.  
6 SERGEANT RYAN: By a dispatcher, no.  
7 INSPECTOR DELAHUNTY: No, okay. Okay, so it's  
8 not being taped. I don't know, we'll find out.  
9 And, okay, driver's side of the vehicle, you said  
10 the driver's side, as it backs up, you said it was  
11 on, it was on your right side? The dri--the  
12 driver's side of the vehicle, so the driver is, is,  
13 is backing up at you--  
14 SERGEANT RYAN: Right.  
15 INSPECTOR DELAHUNTY: --and [REDACTED] comes past you  
16 to your right--  
17 SERGEANT RYAN: Right.  
18 INSPECTOR DELAHUNTY: --and then [REDACTED] goes past  
19 you, then [REDACTED] goes forward to your left. Is that  
20 correct?  
21 SERGEANT RYAN: That, that's correct, I  
22 remember that happening. As to when that happened  
23 in relation to when I discharging my weapon at the  
24 vehicle, I couldn't tell you when that happened.  
25 INSPECTOR DELAHUNTY: All right.

1           SERGEANT RYAN: I do remember [REDACTED] going past  
2 me to the left. I remember at some point [REDACTED]  
3 moving forward.

4           INSPECTOR DELAHUNTY: You think at, at the  
5 time [REDACTED] goes past you to your left, do you think  
6 you were near that, that driver's side, that, that  
7 front tire of the uh, of [REDACTED] BMW?

8           SERGEANT RYAN: I know it was damn close to  
9 the vehicle, that's all I know.

10          INSPECTOR DELAHUNTY: Yeah. Okay. You know  
11 what, just, some observations I made out there, I  
12 was just going to, just want to ask you that.

13          SERGEANT RYAN: Okay.

14          INSPECTOR DELAHUNTY: Um. You said [REDACTED] could  
15 reach out and touch you.

16          SERGEANT RYAN: Yeah.

17          INSPECTOR DELAHUNTY: [REDACTED] was that close. Did  
18 you see [REDACTED] have a weapon, if you remember?

19          SERGEANT RYAN: I didn't see [REDACTED] have a  
20 weapon, no.

21          INSPECTOR DELAHUNTY: Okay. Um. What else?  
22 Um. Did you see your partner jump onto a car?  
23 Maybe Officer Lieu. Tried to get out of the way.

24          SERGEANT RYAN: Um.

25          INSPECTOR DELAHUNTY: If you remember, great;

1 if you don't--

2 SERGEANT RYAN: It's, it's--in hearing that  
3 right now, um, it does sound familiar. But I am  
4 not positive.

5 INSPECTOR DELAHUNTY: Okay. Um. I think  
6 that's all I have.

7 INSPECTOR CAGNEY: Sergeant Ryan, I just have  
8 a couple more questions. Quick ones. This is kind  
9 of a weird question, so we're not sure if you know  
10 the answer to it or not, but when we were at the  
11 scene, we saw on the Crown Victoria the red light,  
12 the emergency light was illuminated to the front.  
13 Any, do you recall activating that red light, or  
14 knowing how that red light was activated? [pause]  
15 Presumably it was somebody in the car at some point  
16 [unintelligible]

17 SERGEANT RYAN: Yeah, I don't, yeah, I may or  
18 may not, I don't--

19 INSPECTOR CAGNEY: If you don't know, that's  
20 fine.

21 SERGEANT RYAN: No, I don't.

22 INSPECTOR CAGNEY: No. Um, and then the last  
23 question, I guess one we should've asked, from the  
24 beginning of the verbal commands all the way  
25 through the handcuffing of the suspect, and again

1 time is very elastic, particularly under stress, we  
2 understand that. But if you could estimate the  
3 time involved in all that, I mean, if you have a  
4 [unintelligible]. You said this took a little bit  
5 longer, at least from the command part, than is  
6 typical in your experience. Usually people either  
7 comply or they don't. And you guys spent a lot of  
8 time yelling at this ■■■, and ■■■ wasn't complying.

9 SERGEANT RYAN: Yeah.

10 INSPECTOR CAGNEY: But, so that took a while,  
11 and then to the point of the shooting, I mean, if  
12 you have any idea of the time involved.

13 SERGEANT RYAN: I'd be guessing, to give you  
14 an actual time--

15 INSPECTOR CAGNEY: And you know what, you  
16 don't need to guess.

17 SERGEANT RYAN: It was, it was, the time  
18 where--it was making me uncomfortable, because I  
19 know either at that point it's my experience that  
20 somebody's either going to comply, or they're not  
21 going to comply, and that ■■■, you know, they're  
22 going to do something else. And there was that  
23 lull of like ... like ■■■ thinking of doing, or  
24 ■■■ not sure what ■■■ going to do yet, or  
25 something. Something's going on, something's not

1 right. So I know it's that kind of feeling that  
2 [REDACTED] I got, I get when there's an extended amount of  
3 time going over something's not right, this is not,  
4 [REDACTED] not complying, [REDACTED] not doing anything, or  
5 [REDACTED] not. So, I, but I'd be, I'd be completely  
6 guessing if I told you, I'd say it's an extended  
7 amount of time, is the best--

8 INSPECTOR CAGNEY: And a good question, which  
9 I, I completely forgot to ask, and you just  
10 reminded me to ask it, 'cause I think it's  
11 important. You didn't have really any say,  
12 tactically, as to, to where the, the radio car, the  
13 Crown Vic, ends up at the end of this. I mean, uh,  
14 Officer Lieu backs the car up and you are where you  
15 are, and the car, your car stopped and you're out  
16 of the car. It wasn't like you were directing him  
17 to stop at a particular place.

18 SERGEANT RYAN: I, no, it was at, no, and it  
19 was, uh, literally ended up where I'm in a position  
20 where I'm sitting in the front of the car, I'm  
21 looking over at, and there [REDACTED] is. So all I can do  
22 is get out of the car and engage [REDACTED] 'cause I know  
23 that I'm st--I'm, I'm, I'm at a disadvantage by  
24 just sitting in the car.

25 INSPECTOR CAGNEY: You were kind of in a, sort

1 of in a bad position, right from the get-go.

2 SERGEANT RYAN: Right.

3 INSPECTOR CAGNEY: Right. I'm sorry.

4 INSPECTOR DELAHUNTY: Go ahead, go ahead.

5 DAI POSADA: Oh, Sergeant, you may or may not  
6 remember this from, at the point where you reached  
7 in to grab [REDACTED] um, was the, the BMW at a  
8 standstill or was it still moving at that point, do  
9 you remember?

10 SERGEANT RYAN: No, it was at a standstill.

11 DAI POSADA: Standstill. Okay. Only question  
12 I have.

13 INSPECTOR DELAHUNTY: I had one more. Um.  
14 When you're, you get out of the car, and initially  
15 start giving [REDACTED] some direction, you know.  
16 "Police, hands up, see your hands," are you, I  
17 guess you're moving forward, you're moving away  
18 from your vehicle.

19 SERGEANT RYAN: I'm moving away from my  
20 vehicle, and I'm, I'm, I'm finally at a position  
21 where I'm comfortable being where I'm at, at that--  
22 well, as comfortable as I can be where I'm at. And  
23 I'm not, I'm not, I'm standing where I think is  
24 hopefully at the, the safest distance I can at the,  
25 at the time.



1 INSPECTOR DELAHUNTY: Okay. How far do you  
2 think you were away from your vehicle?

3 SERGEANT RYAN: When I first started giving  
4 the commands?

5 INSPECTOR DELAHUNTY: Yeah. I mean, well, how  
6 close do you think you were at the farthest point  
7 away from your vehicle? 'Cause you mentioned that  
8 you had to back up. And it doesn't seem to me that  
9 there's a lot of room there, but maybe there was,  
10 and--

11 SERGEANT RYAN: No, I do remember at least  
12 taking a few good strides back.

13 INSPECTOR DELAHUNTY: And there was room for  
14 you to--

15 SERGEANT RYAN: Take at least a few strides  
16 back.

17 INSPECTOR DELAHUNTY: Yeah, okay. But--

18 SERGEANT RYAN: But then at that point, the  
19 strides, I would, you know, taking very small steps  
20 back, 'cause I had no more--

21 INSPECTOR DELAHUNTY: Your back was against  
22 the car.

23 SERGEANT RYAN: Yes.

24 INSPECTOR DELAHUNTY: So maybe five feet?

25 SERGEANT RYAN: Maybe.

1 INSPECTOR DELAHUNTY: Okay. All right.  
2 [background comment]  
3 INSPECTOR CAGNEY: Sergeant Ryan, he's going  
4 to check with the DA.  
5 SERGEANT RYAN: Okay.  
6 INSPECTOR CAGNEY: There's usually one or two  
7 follow up questions.  
8 SERGEANT RYAN: No problem.  
9 INSPECTOR CAGNEY: And then uh, I think you're  
10 done for the night, so.  
11 SERGEANT RYAN: Okay.  
12 INSPECTOR CAGNEY: I appreciate your patience,  
13 and I'm sorry that, it's one of those, those things  
14 they don't teach us in the academy, that, you know,  
15 the, the boss goes last.  
16 SERGEANT RYAN: Mm-hmm.  
17 INSPECTOR CAGNEY: So, it's just life, that's  
18 the way it's supposed to be. [laughs] Oh, we  
19 should get--get a ride, you got a ride home and  
20 everything like that? So you're all, you're all  
21 set..  
22 SERGEANT RYAN: I'm good.  
23 INSPECTOR CAGNEY: Okay, good. Okay.  
24 INSPECTOR DELAHUNTY: Do you have to go very  
25 far?

1 SERGEANT RYAN: [REDACTED]  
2 INSPECTOR DELAHUNTY: All right.  
3 INSPECTOR CAGNEY: Perfect. Perfect.  
4 Counsel, I'm sorry, we keep ignoring you in this.  
5 POA PENDERGAST: No, that's fine.  
6 INSPECTOR CAGNEY: Any, any participation is  
7 more than--well, we're, we're starting to flag a  
8 little bit, so--  
9 POA PENDERGAST: No, I know.  
10 INSPECTOR CAGNEY: You can throw in some help,  
11 we're good. [laughter] I think it's what, about  
12 six solid hours for interview for us, so.  
13 INSPECTOR DELAHUNTY: Yeah.  
14 POA PENDERGAST: Yeah, it's been a long night.  
15 INSPECTOR CAGNEY: Yeah, it has been.  
16 POA PENDERGAST: Yeah.  
17 INSPECTOR CAGNEY: For, well, everybody--  
18 POA PENDERGAST: Yeah.  
19 INSPECTOR DELAHUNTY: Yeah.  
20 INSPECTOR CAGNEY: --involved, so.  
21 POA PENDERGAST: Yeah. So was the door, the  
22 passenger door open on that car? I mean, the  
23 [unintelligible]  
24 INSPECTOR CAGNEY: [unintelligible]  
25 SERGEANT RYAN: Yes. The passenger side door

1 was--

2 INSPECTOR CAGNEY: Oh, I do--

3 INSPECTOR DELAHUNTY: [unintelligible] right?

4 Yeah. Yeah.

5 POA PENDERGAST: [REDACTED] really moved that car

6 [unintelligible] the other car.

7 DAI POSADA: Sergeant, I just have a couple of

8 clarification questions.

9 SERGEANT RYAN: Okay.

10 DAI POSADA: Um, yeah, so I'm going to, I'm

11 going to take you back to when you first fired um,

12 your, your uh, firearm.

13 SERGEANT RYAN: Yes.

14 DAI POSADA: Um. Do you recall approximately

15 where, what part of the, uh, of the Crown Vic you

16 were um, you were closest to?

17 SERGEANT RYAN: I have no idea. My focus was-

18 -

19 DAI POSADA: Okay.

20 SERGEANT RYAN: --[REDACTED] vehicle. The reason I

21 know the Crown Vic was behind me, 'cause I could

22 feel the Crown Vic behind me. I don't know exactly

23 where it was at the time.

24 DAI POSADA: Okay, and as you recall firing,

25 when you first fired that first volley, you recall

1 what part of the BMW that, that you would be firing  
2 at or towards?

3 SERGEANT RYAN: The parts that had the suspect  
4 in it, I mean, I was firing at [REDACTED]

5 DAI POSADA: But was it through the, through  
6 the side of the car, through the back of the car?

7 SERGEANT RYAN: Yes, through the side of the  
8 car.

9 DAI POSADA: Side of the car.

10 SERGEANT RYAN: Yes.

11 DAI POSADA: Through the side, through the  
12 passenger window, would you think, or--

13 SERGEANT RYAN: No.

14 DAI POSADA: --or the driver's window, my  
15 apologies.

16 SERGEANT RYAN: Right through the driver's  
17 win--yes.

18 DAI POSADA: Okay. Um, that's it, that's the  
19 only question I have.

20 INSPECTOR CAGNEY: Thanks. We're going to  
21 terminate the interview now at uh, 0200 hours on  
22 06/07/11.

23 INSPECTOR DELAHUNTY: 08.

24 DAI POSADA: 08.

25 POA PENDERGAST: 08.

1 INSPECTOR CAGNEY: Sorry. [laughter] Haven't  
2 gotten right all day, [unintelligible]

3 INSPECTOR DELAHUNTY: That's consistent.

4 **END OF DOCUMENT**

1 SGT. NEVIN: Okay. This is regarding IAD  
2 Case Number OIS number 11-002. It's taking place at  
3 850 Bryant Street Room 512 on August 4<sup>th</sup>, 2011, and  
4 the time is approximately 1620 hours. Conducting  
5 this interview is Sergeant Mike Nevin, Star 166.  
6 The member being interviewed is—Scott, if you could  
7 state your name and Star Number.  
8 SGT. RYAN: Scott Ryan, Star Number 734.  
9 SGT. NEVIN: And if you could state your  
10 current assignment and your date of hire into the  
11 Department.  
12 SGT. RYAN: Current assignment is Park  
13 Station. Date of hire [REDACTED].  
14 SGT. NEVIN: And representing the officer.  
15 PENDERGAST: Margaret Pendergast.  
16 SGT. NEVIN: And also present is IAD  
17 investigator—  
18 SGT. FRANCO: Christina Franco, Star  
19 Number 1443.  
20 SGT. NEVIN: Okay. So Scott you understand  
21 why we're here today regarding an officer involved  
22 shooting that you were involved in on June 7<sup>th</sup> of  
23 this year.  
24 SGT. RYAN: Yes.

1 SGT. NEVIN: Okay. And have you had a  
2 chance to read General Order 2.08 regarding peace  
3 officer rights?

4 SGT. RYAN: Yes.

5 SGT. NEVIN: And have you read on the  
6 backside Department General Order 201 Rule 21?

7 SGT. RYAN: Yes.

8 SGT. NEVIN: And Government Code 3303E?

9 SGT. RYAN: Yes.

10 SGT. NEVIN: And do you understand that  
11 this interview is being digitally recorded?

12 SGT. RYAN: I do.

13 SGT. NEVIN: Okay. And are you prepared-  
14 due to the nature of this administrative  
15 investigation Government Code Section 3303H  
16 requires that I advise you of your Constitutional  
17 Rights. Therefore, it's important that you  
18 understand that you have the right to remain  
19 silent. You understand that anything may be used  
20 against you in court. You have the right to an  
21 attorney before questioning. Having that in mind  
22 would you like to give a statement regarding the  
23 incident?

24 SGT. RYAN: No.

25 SGT. NEVIN: While you have the right to  
26 remain silent with regard to any criminal



1 investigation you do not have the right to answer  
2 questions administratively. This is an  
3 administrative investigation and I work for the  
4 Internal Affairs Division of the San Francisco  
5 Police Department. I have been designated by the  
6 Chief of Police to conduct this investigation. I'm  
7 therefore ordering that you answer all the  
8 questions fully and honestly. If you refuse to  
9 answer the questions your silence could be deemed  
10 insubordination and result in administrative  
11 discipline up to and including termination. Any  
12 statement you make under compulsion of this threat  
13 is for administrative purposes only and it cannot  
14 be used against you criminally. Your statements  
15 and any information gathered today will be held  
16 confidential consistent with California Penal Code  
17 Section 832.7 and information gathered will not be  
18 divulged except as required by law. Are you  
19 prepared to be interviewed at this time?

20 SGT. RYAN: With that in mind, yes.

21 SGT. NEVIN: All right. Just some  
22 background questions. Did you have any injuries  
23 related to this incident?

24 SGT. RYAN: No.

1 SGT. NEVIN: Okay. And I know you gave me  
2 your date of hire in the Department. How many total  
3 years of law enforcement experience do you have?

4 SGT. RYAN: Sixteen.

5 SGT. NEVIN: And you were in a  
6 plainclothes assignment that day?

7 SGT. RYAN: Yes.

8 SGT. NEVIN: And could you just describe  
9 the equipment that you carried that day on your  
10 person and in your car, but we'll start with  
11 whatever was on your person.

12 SGT. RYAN: Okay, on my person I had a  
13 Department-issued firearm, a Department-issued  
14 magazines with ammunition.

15 SGT. NEVIN: How many magazines?

16 SGT. RYAN: Three.

17 SGT. NEVIN: Total.

18 SGT. RYAN: Total.

19 SGT. NEVIN: Including one that was in  
20 the-

21 SGT. RYAN: One in the well of the gun and  
22 two on my belt.

23 SGT. NEVIN: Okay.

24 SGT. RYAN: Handcuffs, handcuff keys,  
25 pepper spray, vest, Star.

1 SGT. NEVIN: Okay, so-any yawara stick or  
2 anything like that?  
3 SGT. RYAN: No.  
4 SGT. NEVIN: You pointed to your I think  
5 right-are you right-handed?  
6 SGT. RYAN: I am.  
7 SGT. NEVIN: Do you carry the gun on your  
8 right side?  
9 SGT. RYAN: Yes.  
10 SGT. NEVIN: And do you-was your weapon  
11 what we refer to as being topped off that day? Did  
12 it have twelve in the magazine and then one in the  
13 chamber?  
14 SGT. RYAN: In the chamber, yes.  
15 SGT. NEVIN: Your Star, how do you carry  
16 your Star or how did you carry your Star that day?  
17 SGT. RYAN: I carried it on a clip that I  
18 can clip onto my outermost clothing.  
19 SGT. NEVIN: Okay. And I know who you were  
20 working with that day, we'll get into that in a  
21 minute. Do you carry a backup weapon?  
22 SGT. RYAN: I do not.  
23 SGT. NEVIN: Okay. So I know we're going  
24 to go back a little bit and you've already given a  
25 statement regarding this but just because it's been  
26 a couple months, if you could just bring me back to

1 how you were brought to the location of this  
2 incident, what information you received, if we can  
3 just kind of go back over what I know you've  
4 already given us, stated, but just go back over  
5 that.

6 SGT. RYAN: On that day I came into work  
7 early, I had a meeting here at the Hall of Justice.  
8 Just a normal, bi-weekly meeting. After that I was  
9 walking over here doing some rounds to the Hall,  
10 stuff, people I had to check in with. I got a  
11 message on my cell phone from a Sergeant at  
12 Northern Station who told me that there was some  
13 ongoing investigation going on in the Park District  
14 and they were looking for plainclothes units to get  
15 out to the location of the park.

16 I returned that phone call and talked to  
17 Sergeant Ahern at Northern who told me that there  
18 was a vehicle located in the Park District that was  
19 wanted in related to armed bank robberies in  
20 Southern California. He told me that there were  
21 already units, plainclothes units headed out there.  
22 I believe they were already at the scene and  
23 they're asking for additional units, plainclothes  
24 units to go out there.

25 I went back to Park Station, grabbed the rest  
26 of my equipment, unmarked police car, and then

1 headed out to that location where it was located on  
2 Buena Vista East.

3 SGT. NEVIN: Alone? Were you alone at this  
4 time?

5 SGT. RYAN: I was alone at this time. I  
6 located or got on the surveillance channel that  
7 they had already established and were already  
8 talking on, let them know I was there and ask them  
9 where I could assist. I was then put on the outer  
10 perimeter just north of that location of the  
11 vehicle and was basically there to assist any  
12 apprehension taking the suspect into custody should  
13 the suspect be located in that area or come back to  
14 the vehicle.

15 I then was over that surveillance channel also  
16 briefed as to the fact that it was a GPS turned on  
17 the vehicle that morning and that the FBI had  
18 contacted out Department and informed them that the  
19 vehicle was coming back, located at that location  
20 on Buena Vista East and the information that they  
21 received about this vehicle was related to armed  
22 bank robberies in Southern California, I believe it  
23 was Irvine, California, and the this was the first  
24 day they were able to turn on the GPS location of  
25 that vehicle was involved in a couple of pursuits  
26 in Southern California were the suspect attempted

1 to run over law enforcement officers down there and  
2 that these were armed bank robberies, the last bank  
3 robbery I believe they said that the take was about  
4 \$5000 and that was a couple weeks prior I believe  
5 and that they had no idea how long the vehicle had  
6 been there as they just turned on that GPS location  
7 that morning. And that's where it came out so they  
8 didn't know how long it had been there.

9 I sat there and at that point it was getting  
10 near when the rest of the other two guys they had  
11 working that day were coming in which was Officer  
12 Lieu and Officer Reyes. I contacted them and let  
13 them know once they got to the station to get their  
14 stuff together quickly and get in an unmarked  
15 vehicle, come up on that surveillance channel and  
16 then also told them over the phone what was going  
17 on, conveyed the same thing that I'd been told,  
18 briefed, [unintelligible] let them know what was  
19 going on.

20 At around the surveillance continued. They  
21 believe, at one point they thought that they saw  
22 somebody matching the description walking through  
23 the park. At some point they lost that person, they  
24 don't know where that person went. And then soon  
25 after that Officer Lieu and Reyes arrived on the  
26 scene and then I just directed them to take another

1 position on the outer perimeter to insist opposite  
2 end on the more on the south side of the park a few  
3 blocks away so they could be in a position to  
4 assist should the suspect come back. We sat there  
5 for a couple hours maybe, maybe not even a couple  
6 hours. At that point robbery apprehension team who  
7 was organizing this surveillance then decided that  
8 they were going to place some type of other device,  
9 other tracking device on the vehicle and we're  
10 going to pull off the surveillance, the onsite  
11 surveillance as they didn't know how long the  
12 vehicle was there and they were pulling off.

13 I then came on the radio and told them that we  
14 were there until midnight that night,  
15 [unintelligible] until midnight that night, we'd be  
16 in the area and try to get a hold of us if we can  
17 assist if the vehicle started moving or if we  
18 located the suspect.

19 I left that location and met my two officers  
20 at Park Station, I briefed the swing watch and let  
21 them know what was going on, where the vehicle was  
22 located and what kind of investigation this was  
23 regarding and then went about doing some other-  
24 grabbing some late lunch, taking care of handling  
25 some runs, calls for service, and at some point we  
26 ended up on upper 17<sup>th</sup> handling some other run and

1 at the conclusion of that I remember Lieutenant  
2 Solomon was on scene, I hadn't informed him yet. I  
3 let him know what was going on and at that point we  
4 cleared that scene, we discussed in the car and we  
5 decided that we were going to go down and drive  
6 down Buena Vista East to get a good look at the  
7 vehicle because we were on the outside, perimeter,  
8 we never even saw the vehicle we just had it  
9 described to us. So we thought it would be a good  
10 idea to drive down the street and at least if the  
11 vehicle's still there we can get a good eye on it  
12 so we know if it started moving we know what the-  
13 exactly what the vehicle looked like and what we  
14 were looking for.

15 SGT. NEVIN: Okay, good. When you briefed  
16 the-did you brief the [unintelligible] at a lineup?

17 SGT. RYAN: No, I believe I-because I  
18 believe that day, which is common at Park, there's  
19 a swing watch line-up. There's usually a [REDACTED] and a  
20 [REDACTED] watch because they stagger the start times. So  
21 I briefed Sergeant Cane who I believe was doing the  
22 [REDACTED] line-up as to what was going on and then later  
23 on a little while later I guess that's when  
24 Lieutenant Solomon came in and I briefed him. He  
25 was a swing swatch Lieutenant, so.



1           SGT. NEVIN:           Describe for me when you were  
2 receiving information about the suspect describe  
3 for me what type of suspect that meant to you in  
4 terms of the crimes that ■ was informed in and  
5 that type of thing. Can you just describe what that  
6 meant to you and what type of suspect this was.

7           SGT. RYAN:           Sure. In my experience in  
8 knowing—in my experience you have a bank robber, an  
9 armed bank robber, somebody who's already been  
10 involved in a couple pursuits in Southern  
11 California, who's been described as trying to  
12 attempt to run over officers in order to facilitate  
13 ■ getting away down in Southern California. Now  
14 in Northern California it makes me think that we're  
15 dealing with somebody who is very dangerous, who is  
16 brazen enough to go into a busy business, a bank,  
17 and be bold enough to do armed robberies, who's  
18 also shown down in Southern California that ■ has  
19 no care, no regard and no hesitation in trying to  
20 do whatever ■ can in order to get away by even  
21 trying to run over officers down in Southern  
22 California to facilitate ■ getting away. A  
23 violent person, very violent person.

24           SGT. NEVIN:           Okay, so violent, felonious,  
25 suspect involved in—I mean, you just described  
26 there several felony crimes. Okay. So you hadn't

1 seen the vehicle so-and you're in the vicinity and  
2 the decision was made to actually just drive by and  
3 take a look at the vehicle.

4 SGT. RYAN: Exactly, just in knowing that  
5 instead of waiting for somebody who was looking at  
6 a computer who was going to get a text message or  
7 something saying this vehicle is now moving instead  
8 of trying to conjure up in our mind from our  
9 descriptions that we got and what this vehicle is  
10 going to look like and where it's at exactly,  
11 instead of doing that and leaving that to chance  
12 taking the opportunity since we were in the area to  
13 at least drive by it and even if it's just to get a  
14 good look at the vehicle and notice something  
15 that's distinctive that no one else described, some  
16 way that we can later on be able to pick out that  
17 vehicle if it's starting to move around, if it's in  
18 traffic or whatever, something that would make it  
19 easier for us to identify.

20 SGT. NEVIN: And did you know at the time  
21 this vehicle didn't even have license plates?

22 SGT. RYAN: I knew that from the  
23 description we originally got that there was as  
24 they call it paper plates meaning there's  
25 dealership either advertisement or whatever on the  
26 back of the-

1 SGT. NEVIN: But is it important to know  
2 what that—if you got a chance to know what that  
3 dealer plate read?

4 SGT. RYAN: Absolutely, yeah. Usually  
5 they're not plain white, they're something colorful  
6 with some type of insignia or something like that  
7 that would have been easier to identify.

8 SGT. NEVIN: So I understand that Officer  
9 Lieu was the driver I believe is it correct that  
10 you were the front passenger and then Officer Reyes  
11 was in the rear of your unmarked police vehicle.

12 SGT. RYAN: Right.

13 SGT. NEVIN: So if you can just describe  
14 for us then just take us through as you're driving  
15 down Buena Vista and what you saw, what you heard  
16 and what happened at that point.

17 SGT. RYAN: Okay. When we came down Buena  
18 Vista East, we're going north towards Haight  
19 Street. We knew from before from the descriptions  
20 given before that the vehicle was parked next to a  
21 large van, a cargo van, so as we came down Buena  
22 Vista which kind of—it kind of wraps around a large  
23 park, we started looking for that van knowing that  
24 would be a reference point to try to look for the  
25 vehicle. We came down the block, drove past the  
26 vehicle, looked over and saw what we recognized

1 just from the description the vehicle, drove past  
2 it and as we drove past it Officer Lieu who would  
3 have been closest to the vehicle in the front  
4 driver's said that he believed that the rear lights  
5 may have been on and that the sunroof was either  
6 open or opening.

7        Since we just kind of casually passed by it  
8 when he said that we all said, you know, let's then  
9 go back—we asked him again are you sure, he said  
10 yeah I think so. We said well then turn around  
11 let's go back up and take a look.

12        We got down Haight Street and made a quick U-  
13 turn and came back up Buena Vista East. As we came  
14 back up Buena Vista East we're coming up on the  
15 vehicle it still wasn't clear if the rear  
16 taillights were on or not just because the way the  
17 sun was hitting the large white buildings and  
18 bouncing off there and then hitting the reflective  
19 lights in the back, the plastic on the back of the  
20 vehicle and the taillights it was still kind of  
21 tough to see if that was the case, if they were  
22 actually on. But as we passed it again I remember  
23 looking over into the vehicle as we passed it and  
24 though, I remember seeing what I thought was  
25 baseball cap right which would be located where  
26 somebody would be wearing a baseball cap if they

1 were driving, so the driver's seat baseball cap  
2 maybe like just passed or above the headrest of  
3 whatever on the driver's seat.

4 As we passed—we then kind of passed the  
5 vehicle, we all kind of said you know to each other  
6 [REDACTED] in it, [REDACTED] in there, [REDACTED] in there. Go back,  
7 go back, go back. And at that point Officer Lieu  
8 then threw it in reverse and got us back to a  
9 position so we would be closer to where the suspect  
10 was at.

11 SGT. NEVIN: Okay. And then what happened?  
12 You exited the vehicle?

13 SGT. RYAN: At that point, yeah. I was  
14 in the driver's—at that point I'm in the driver's  
15 front seat or the passenger's front seat. I look  
16 over to my immediate right and actually just a  
17 little bit to my right, just down from the hill a  
18 little bit and now I can clearly see that the  
19 driver is in the vehicle we were looking for and  
20 the driver it looks exactly like they described to  
21 us earlier when they gave a description of  
22 approximately [REDACTED] I think they  
23 said like [REDACTED] which [REDACTED] hair. But  
24 we recognized that was the same description they  
25 gave us for the armed robbery bank suspect. Because  
26 where I was positioned and how close we were to the

1 vehicle then I knew that I had to immediately get  
2 out of the vehicle and draw my firearm and then  
3 with the assistance of the other officers do a  
4 felony-try to do like a felony stop and have [REDACTED]  
5 get out of the vehicle and I knew that we had to  
6 immediately do that just from my close, where I was  
7 in proximity to the suspect in the case that I had  
8 to get out and a take a position where I would be,  
9 where I thought would be safe.

10 SGT. NEVIN: Do you recall when you first  
11 got out if you recall if the vehicle was running or  
12 if the engine was on?

13 SGT. RYAN: When we initially got out of  
14 the car I did not know whether or not, I wasn't  
15 sure whether the vehicle was running or not.

16 SGT. NEVIN: Okay. And then did you become  
17 aware at some point that the vehicle was running?

18 SGT. RYAN: I did, yeah.

19 SGT. NEVIN: And what-how did that come to  
20 be?

21 SGT. RYAN: That came to be because I  
22 recall Officer Lieu yelling at the driver to turn  
23 off the vehicle, turn off the vehicle.

24 SGT. NEVIN: And so that signaled  
25 something to you?

1           SGT. RYAN:           Signaled to me that the  
2 vehicle was running and then in my sense is then  
3 listening closer I could hear the engine was  
4 actually running.

5           SGT. NEVIN:          Okay. Was the vehicle  
6 occupied by any other individual?

7           SGT. RYAN:          No.

8           SGT. NEVIN:          Do you recall where your  
9 partner officers were located? I've got photos that  
10 we'll go through later which will make--

11          SGT. RYAN:          Right. Like in a general sense  
12 I knew that Officer Lieu was to my left and that  
13 Officer Reyes was somewhere to my right.

14          SGT. NEVIN:          Okay. And then what  
15 transpired?

16          SGT. RYAN:          We identified ourselves as  
17 police officers over and over again. We ordered the  
18 suspect to show us [REDACTED] hands, to raise [REDACTED] hands,  
19 to get out of the vehicle over and over again. All  
20 those, all those orders. We identified ourselves as  
21 the police, let me see your hands, get out of the  
22 car, let me see your hands, you know San Francisco  
23 Police, get out of the vehicle, let me see your  
24 hands. All those orders over and over and over  
25 again.

1 I know that we-I heard all of us ordering the  
2 suspect to do that and then I know that there was  
3 an extended amount of time that went by where ■  
4 wasn't doing any of what we were ■ wasn't doing  
5 anything that we were orderin ■ to do and  
6 instead I remember ■ looking up, like looking in  
7 the rearview mirror, looking to ■ right, looking  
8 to ■ left, and again from that extended amount of  
9 time knowing like my experience being that I got  
10 the feeling that the suspect was trying to figure  
11 out what ■ as going to do or what action ■ was  
12 going to take, ■ was thinking about what ■ was  
13 going to do.

14 SGT. NEVIN: You say extended amount of  
15 time. Do you know-do you have an approximate  
16 timeframe?

17 SGT. RYAN: It would be tough for me to  
18 put in exact or even approximate. I just know that  
19 it was-we said it over and over several, several  
20 time and I know that normally if somebody is going  
21 to get out of the vehicle they're going to get out  
22 of the vehicle. If somebody was immediately try to  
23 get away they were going to try to get-I would have  
24 the feeling they were already going to try to get  
25 away. There was that time-period of going, of  
26 recognizing that ■ didn't know what ■ was going



1 to do and ■ wasn't doing—■ wasn't complying and  
2 ■ wasn't fleeing yet. ■ was just sitting there.

3 SGT. NEVIN: Do you recall when you got on  
4 the—when you first got on the radio regarding this  
5 incident?

6 SGT. RYAN: You're talking about when we  
7 came, what I'm just describing now as we got out of  
8 the vehicle and approached the suspect?

9 SGT. NEVIN: I believe that you, is it  
10 correct that you got on the radio and called a Code  
11 33? Do you recall that?

12 SGT. RYAN: I think I might have called a  
13 Code 33. I remember putting out the location and I  
14 remember asking for a 1025.

15 SGT. NEVIN: Okay, okay so had there been  
16 shots fired at that point?

17 SGT. RYAN: No.

18 SGT. NEVIN: Okay. So you were able to—you  
19 were able to get on the radio and broadcast  
20 something about the situation?

21 SGT. RYAN: Right.

22 SGT. NEVIN: And then take me through what  
23 happened with the suspect and what happened with  
24 the vehicle.

25 SGT. RYAN: From my position after  
26 ordering the suspect to get out several times and

1 to show us [REDACTED] hands at some point then the vehicle  
2 then shifts into reverse. I remember as it shifted  
3 into reverse it slowly came back a little bit. As  
4 that happened I know that I started taking steps  
5 backwards to get myself out of the way of the  
6 vehicle and as I was doing that [REDACTED] then started to  
7 move in reverse but in such a way that it was very  
8 slow, very deliberate as [REDACTED] started to make a turn,  
9 turn the rear of the vehicle to swing back to go  
10 towards the downhill side as [REDACTED] backing up and  
11 trying to put the back end of [REDACTED] vehicle towards  
12 the downhill side.

13 SGT. NEVIN: As you're describing it at  
14 this point now I think it might be easier, I hope  
15 it might help out a little bit--there's some photos  
16 here, tell me if that--these photos are of the scene  
17 after the incident was over. So I don't expect you  
18 to look at the photo and for purposes of the  
19 recording you're not looking at a photo that would  
20 take you back to the beginning of the situation or  
21 anything of that nature but does it depict what the  
22 scene looked like at least after everything was  
23 over?

24 SGT. RYAN: It does.

25 SGT. NEVIN: Okay. So if there's anything  
26 that helps you with the photo as you're describing

1 it, backing and where it was going-and I've got six  
2 photos total out here. I'm sorry to-the reason I  
3 put so many out here is because there might be some  
4 photo that catches your attention that's more  
5 helpful in terms of being able to describe what  
6 happens. And I'll ask you as you're talking I'll  
7 actually ask if you can even mark things that you  
8 feel would be significant, that would be helpful as  
9 well as you're describing.

10 SGT. RYAN: Do you want me to tell you  
11 what photo I'm looking at when I'm describing or?

12 SGT. NEVIN: Yeah, you can-you know, I've  
13 got a number on the bottom right I think.

14 SGT. RYAN: In looking at photo number 1  
15 that you have as [REDACTED] pulling-[REDACTED] originally  
16 parked in this space that's empty obviously  
17 between, I can't see what kind of vehicle this is.

18 SGT. NEVIN: That's an-you're looking at  
19 an Ultima that would be right to the left of the  
20 vehicle.

21 SGT. RYAN: Okay, [REDACTED] parking between  
22 this Ultima and this large cargo van. As [REDACTED]  
23 backing up [REDACTED] got to make contact, [REDACTED] making  
24 contact with [REDACTED] vehicle on this passenger side of  
25 this Ultima and [REDACTED] doing that as [REDACTED] trying to

1 position [REDACTED] vehicle so it can back up towards the  
2 downhill side, downhill side of the street.

3 SGT. NEVIN: And if you're saying downhill  
4 you're going downhill towards where Haight Street  
5 would be located.

6 SGT. RYAN: So [REDACTED] backing up and placing  
7 [REDACTED] vehicle so [REDACTED] can actually back up more down  
8 Buena Vista East. As [REDACTED] doing that, backing up  
9 and backing up further again as [REDACTED] doing that I'm  
10 continuing to yell at [REDACTED] again stop the car, stop  
11 the car, please stop the car, stop the car. [REDACTED]  
12 not complying with any of that. At that point I'm  
13 backing up even further and I can see to my left  
14 that the way our car is positioned, my car down is  
15 opened and to my left and I have-I can't go to my  
16 left, I don't have an escape to my left.

17 SGT. NEVIN: So you're positioned in a way  
18 where the car door was-was-

19 SGT. RYAN: I'm positioned to a point  
20 where I know just from looking to my left that I  
21 have nowhere to go to my left because-yeah, I'm in  
22 between, this is not obviously these aren't where  
23 it was at this point.

24 SGT. NEVIN: This is post-incident.

25 SGT. RYAN: Right. But I am standing to  
26 the right, I'm looking at the vehicle here, at the

1 car door opened, I'm standing towards the right of  
2 my car door vehicle and-or, yeah, I'm standing to  
3 the right so I can't move to my left.

4 SGT. NEVIN: Because left would be your  
5 car door that's opened.

6 SGT. RYAN: Can door and opened and not  
7 enough space to get around my car door, I would  
8 have to go even further, I would have to get closer  
9 to the vehicle and try to get around my car door  
10 vehicle so I couldn't go to my left.

11 SGT. NEVIN: Right, because at that-okay,  
12 because you're saying that as the vehicle is coming  
13 back it would have been, it would have been quite a  
14 gamble to attempt to go left in between the suspect  
15 vehicle and your car door.

16 SGT. RYAN: I'd say maybe more than not  
17 even a gamble, that I know that there's no space  
18 for me to go by.

19 SGT. NEVIN: Okay, there's no space, okay.

20 SGT. RYAN: So I know there's no space for  
21 me to go left. I'm trying to back up even further.  
22 I can't go to my right. If I go to my right I would  
23 literally be getting behind [REDACTED] vehicle, I would be  
24 placing myself even closer behind [REDACTED] vehicle.  
25 Again, ordering again and again to stop at that  
26 point that I know I was backing up. I was backed up

1 against my vehicle, the side of my vehicle. I  
2 couldn't go to my left, I couldn't go to the right  
3 and the closer and closer, the more and more [REDACTED]  
4 backed up the space that I was in was getting  
5 smaller and smaller.

6 SGT. NEVIN: Were you literally backed up  
7 into your vehicle?

8 SGT. RYAN: I was backed up into my  
9 vehicle.

10 SGT. NEVIN: Touching the vehicle?

11 SGT. RYAN: Yes. I could feel my vehicle,  
12 I could note the sense of the feel that my vehicle  
13 was right behind me. At that point I ordered [REDACTED]  
14 again and again to stop, [REDACTED] didn't stop, and it got  
15 to a point where [REDACTED] kept moving [REDACTED] vehicle back  
16 and the space got smaller and smaller and then  
17 knowing or feeling that I had no other choice, no  
18 other way but I had to stop [REDACTED] from backing up. I  
19 then fired into the vehicle in order to stop [REDACTED]  
20 from operating the vehicle and moving it any more  
21 further back otherwise I was going to be crushed,  
22 killed, seriously hurt.

23 SGT. NEVIN: How did that make you feel?

24 SGT. RYAN: I felt like I had no other  
25 choice but to do what I did because I thought at  
26 that point that—that I was about to be crushed

1 between [REDACTED] vehicle and my vehicle and [REDACTED] wasn't  
2 going to stop.

3 SGT. NEVIN: Okay. Do you feel--do you feel  
4 you had a reasonable or apparent way to retreat or  
5 otherwise move to a place of safety?

6 SGT. RYAN: No, I didn't.

7 SGT. NEVIN: How far--so you described when  
8 you fired, do you recall how many times you fired  
9 when you discharged your firearm?

10 SGT. RYAN: I know how many times I fired  
11 when I discharged my firearm but I only know that  
12 from the fact that I had run dry on--on my firearm.

13 SGT. NEVIN: Can you describe the sequence  
14 or fire and by that--or what type of fire was it?  
15 Was it a continuous--did you fire continuously or  
16 was there, do you recall pausing and firing or was  
17 there any different sequence of fire from your  
18 recollection?

19 SGT. RYAN: I know--I know there was  
20 initial, these initial sets of--I know that there  
21 was--I think there was a slight pause after the  
22 first few rounds that I shot as I stepped back and  
23 then I know that soon after that I continued to  
24 fire as [REDACTED] was still moving or that space was still  
25 getting closer and closer.

1           SGT. NEVIN:           This is as the vehicle was  
2 still--was your sequence of fire in relation to the  
3 vehicle still backing up and moving towards you?

4           SGT. RYAN:           I know there was continuing  
5 motion and again as I said the first time I was  
6 interviewed I know the first time I was interviewed  
7 [unintelligible] I thought it was all one group of  
8 shooting and then thinking about it afterwards I'm  
9 thinking that there was a slight pause in between  
10 but I do know that there was a sequence where I was  
11 firing and the suspect moved passed me in the  
12 vehicle and then moved forward in the vehicle. I  
13 know that I was focused on the suspect and what ■  
14 was doing and the space that I--the limited space  
15 that I had. That just in knowing what had to have  
16 happened I know that the vehicle was going back and  
17 then slightly forward at some point. I just know  
18 that, actually know that I was really focused on  
19 the space that I had and the suspect, that--to say  
20 that I saw the vehicle moving back and then moving  
21 forward would be tough. I do know that ■ moved to  
22 my right going past me this way and then to my left  
23 going back this way.

24           SGT. NEVIN:           Okay. In this photo here  
25 which is photo number 6 it shows some different  
26 things here. Obviously, like I said before, this is



1 when the vehicle had come to rest and how the scene  
2 was found when we all got there but if you can do  
3 you recall how far back approximately the vehicle  
4 may have travelled in terms of like even if the  
5 back end were to come towards the back end of your  
6 vehicle or if you know, if at all?

7 SGT. RYAN: It's really tough for me.

8 SGT. NEVIN: I mean if you don't know, you  
9 don't.

10 SGT. RYAN: No, I don't know. I know it  
11 was in this area here.

12 SGT. NEVIN: You were in this area here?

13 SGT. RYAN: Yeah, but I mean this was not  
14 how-

15 SGT. NEVIN: It's a photo so it's not  
16 going to bring to life what-

17 SGT. RYAN: All these views of actually  
18 where the vehicles are at rest are, you know, the  
19 perspective that I was standing in the middle of so  
20 it's tough for me to say exactly how far back it  
21 went, you know. Obviously I think that it went  
22 further back than it is right now just because I  
23 do, like I said, know that it moved to my left  
24 which would indicated moving back forward, so.

25 SGT. NEVIN: Let me ask you this. Do you  
26 recall the window, any window on the suspect

1 vehicle breaking or do you know if any window on  
2 the suspect vehicle was broken?

3 SGT. RYAN: I know that the rear passenger  
4 side-I'm almost positive that the rear driver's  
5 side behind-the small window behind the driver's  
6 seat I believe was broken. I think.

7 SGT. NEVIN: That's okay. I mean, this  
8 isn't a trick question because we get this  
9 information when we do the-check the vehicle  
10 ourselves so I'm not asking for you to give me  
11 something we can't get. I'm just asking if you  
12 recall, you know, as best you can.

13 SGT. RYAN: Yeah, that's what I recall.

14 SGT. NEVIN: Okay. So then what happened?  
15 Describe what happened further in the incident,  
16 take us-

17 SGT. RYAN: At that point I was able to  
18 back up. The vehicle stopped. I had some space to  
19 move and to get out of the way at that point. At  
20 that point I remember I believe it was Officer  
21 Reyes, I don't remember which, one of the officers  
22 say Scott you're [REDACTED] Scott you're [REDACTED]

23 SGT. NEVIN: What does that mean to you?

24 SGT. RYAN: To me that mean they're  
25 [unintelligible]. It means I'm out of bullets, I  
26 don't have any rounds in my gun right now. At that

1 point I remember looking down seeing if they were  
2 right. I moved, I dropped my magazine, I took  
3 another magazine from my waistband and put it in my  
4 gun and put the slide forward and then reassessed  
5 or looked back down at the suspect, still at  
6 gunpoint, and moved myself into position then where  
7 I wasn't pinned anymore at that point.

8 I know that I was on the driver's side. Again,  
9 the driver's side. Yeah, I was on the driver's side  
10 of the vehicle, of the suspect's vehicle still. I  
11 remember Officer Reyes was on the passenger side of  
12 the vehicle and I remember everybody-us still  
13 ordering the suspect to see [REDACTED] hands, [REDACTED] was still  
14 moving. [REDACTED] feet, I remember at least one of [REDACTED]  
15 feet, one of [REDACTED] legs coming up out of the driver's  
16 side window. It almost looked like [REDACTED] was still in  
17 that mode of like I'm going to out here, [REDACTED] was  
18 like trying to pull [REDACTED] out of the vehicle  
19 maybe with feet first out of the window or  
20 something like that. I remember ordering, still  
21 ordering [REDACTED] to see [REDACTED] hands because [REDACTED] right  
22 hand was still underneath the right-hand side of  
23 [REDACTED] body. I remember Officer Reyes was immediately  
24 or on the passenger side of the vehicle and also  
25 had the same view that he couldn't see [REDACTED] hands  
26 even though he's in closer to it and had a clear

1 view, he couldn't see [REDACTED] hand. I remember other  
2 officers arriving on scene. I remember I saw the  
3 men arriving on scene, I also remember a couple  
4 other Park units that arrive on scene. I remember  
5 that Officer Reyes indicated that there was an  
6 issue with crossfire or positioning and then I  
7 remember finally opening up the driver's side door  
8 and reaching in and grabbing the suspect and  
9 pulling on [REDACTED] clothing, upper clothing just so I  
10 could pull [REDACTED] away and expose [REDACTED] right hand so we  
11 could see [REDACTED] right hand.

12 At that point I was able to do that, [REDACTED] right  
13 arm went out to the side and at that point [REDACTED]  
14 looked like [REDACTED] was incapacitated and I remember  
15 getting about to get on the radio and call for an  
16 ambulance and Lieutenant Solomon was right behind  
17 me, came up on the radio, did that. And then I  
18 remember Officer Reyes and I believe it was Officer  
19 Lieu-I know for sure that suspect was  
20 incapacitated, taking [REDACTED] two hands to the front  
21 and then handcuffing [REDACTED] and then I remember  
22 officers attending to [REDACTED] and then we-I remember  
23 Lieutenant Solomon coming up to me asking me who  
24 fired, who fired? I told him I did fire. He said  
25 okay and then I walked off to Sergeant Cain, Greg

1 Cain, and then soon after that was taken from the  
2 scene.

3 SGT. NEVIN: Okay. Do you know—did you  
4 know at the time that Officer Lieu fired his  
5 weapon?

6 SGT. RYAN: I don't know for—I didn't know  
7 at that time for sure that Officer Lieu fired his  
8 weapon. I believed he did but I wasn't positive but  
9 I do know that I wasn't the only that fired a  
10 weapon.

11 SGT. NEVIN: Okay, did you see as the  
12 vehicle moved forward did you see anything else  
13 that was happening with the vehicle and any other  
14 officer or anything come into your view at that  
15 time? I'm trying to also ascertain in terms of when  
16 you were notified that you were ■■■, at what point?  
17 I'm just a little bit confused on what point you  
18 heard that. Let me start with the first part, do  
19 you recall when the vehicle—let me start with,  
20 that's kind of a two-part question. Do you recall  
21 how the vehicle ended up, how the vehicle came to  
22 rest and what happened, if you recall, as it moved  
23 from—it was backing up and then I believe you  
24 stated that it moved forward. Do you recall what  
25 happened, how it came to rest?

1 SGT. RYAN: I mean the picture, looking at  
2 the picture here it does look similar to how the  
3 vehicle came to rest. But--yeah, it looks a little  
4 [unintelligible] than that.

5 SGT. NEVIN: Your vantage point would have  
6 been at a unique angle when looking at the photos  
7 from where you touching the vehicle and where the  
8 vehicle came to rest as well, is that correct? I  
9 mean if you're in--if you're towards--we know that  
10 you were on the one side of where your car door was  
11 backed up against the car and as the car went  
12 forward you had stated earlier that it had  
13 contacted this Nissan when it was backing up. Do  
14 you recall seeing it actually contact the Nissan a  
15 second time?

16 SGT. RYAN: No.

17 SGT. NEVIN: You don't recall seeing it,  
18 okay. So do you recall any--

19 SGT. RYAN: I can't, at this time I can't  
20 say for sure that I recall ever seeing it contact  
21 the Nissan a second time, no.

22 SGT. NEVIN: Okay. And if we look at them  
23 just for purposes of the record we look at the  
24 photos you can see that the suspect's vehicle is  
25 contacting the Nissan at the point it had come to  
26 rest.

1           SGT. RYAN:           Correct.

2           SGT. NEVIN:           But that's just from what

3 we're looking at with the photos. Okay. Do you

4 recall if you gave-prior to discharging your

5 firearm do you recall if you gave a deadly force

6 warning?

7           SGT. RYAN:           I do not.

8           SGT. NEVIN:           Okay. And can you state why

9 you were unable-

10          SGT. RYAN:           I had no time to do it at all.

11          SGT. NEVIN:           So you do not believe it was

12 a feasible-it was feasible to do?

13          SGT. RYAN:           I knew I couldn't do it.

14          SGT. NEVIN:           What was the-do you recall

15 the stance and position? And you said you were

16 right-handed-in terms of when you discharged the

17 firearm, what your stance was, your position or

18 anything more specific?

19          SGT. RYAN:           As my first rounds went off or

20 discharged my first rounds, I remember that it was

21 almost, I think I was almost to I think they call

22 it a point of retention where I bring my arm back

23 because I'm backing up and I have no other-I wasn't

24 normally-I started off pointing forward, my gun

25 forward as we normally would do. As I'm backing up

26 I think then my arms came apart, my hands came

1 apart off my weapon and I was actually backing up  
2 so I was in a stance that was almost-

3 SGT. NEVIN: I think a point of retention  
4 is what you're physically what I'm seeing your  
5 physically-

6 SGT. RYAN: Point of retention for at  
7 least those first initial rounds and then I do  
8 remember then putting my arms forward and then  
9 taking additional shots with more of a-

10 SGT. NEVIN: A pointed?

11 SGT. RYAN: Pointed stance.

12 SGT. NEVIN: Position with an extended arm  
13 stance? Okay. Did the suspect say anything to you,  
14 do you recall?

15 SGT. RYAN: No.

16 SGT. NEVIN: If you can tell in terms of  
17 the distance the vehicle was to you, would you-if  
18 you don't know the distance could you tell me if  
19 you were to reach out or how far you would have to  
20 go to actually physically touch the vehicle.

21 SGT. RYAN: At what point?

22 SGT. NEVIN: At the point that you  
23 determined that you were going to discharge your  
24 firearm?

25 SGT. RYAN: I know at that point that I  
26 could have-in my position I could have at least



1   leaned all the way out, all the way forward and  
2   probably not even taken a step forward and been  
3   able to touch the vehicle.

4           SGT. NEVIN:           Okay. Do you recall seeing at  
5   any point Officer Lieu jump on top of a parked  
6   vehicle?

7           SGT. RYAN:           As much as I try to remember  
8   that, I don't.

9           SGT. NEVIN:           Can you just describe for us  
10   training that you've received in terms of  
11   plainclothes training? I believe that you've  
12   attended Lieutenant Miller's plainclothes class?

13          SGT. RYAN:           Right.

14          SGT. NEVIN:           That's correct?

15          SGT. RYAN:           That's correct. I attended  
16   that. I've also assisted with teaching that class.  
17   I've also worked—one of the main instructors for  
18   that class is Marty Laylor, I've worked for Marty,  
19   under Marty for eight years.

20          SGT. NEVIN:           How many total years of  
21   plainclothes experience do you have?

22          SGT. RYAN:           Ten.

23          SGT. NEVIN:           How many supervisory years of  
24   plainclothes experience do you have?

25          SGT. RYAN:           Two and a half.

1           SGT. NEVIN:           With these officers—Officer  
2 Lieu and Officer Reyes—how long have you worked  
3 with those officers?

4           SGT. RYAN:           Officer Lieu a little bit  
5 longer than—Officer Lieu I've worked with the  
6 entire two and a half years as a supervisor and  
7 then Officer Reyes probably a little bit less than  
8 that but close, if not two years.

9           SGT. NEVIN:           Have you had the opportunity  
10 with working with those officers to make felony  
11 arrests?

12          SGT. RYAN:           Have I had the opportunity to?

13          SGT. NEVIN:           Yes.

14          SGT. RYAN:           Yes.

15          SGT. NEVIN:           And can you describe some of  
16 the types of violent crime, felony arrests that you  
17 and those officers made? I mean, I don't expect  
18 you're going to be able to sit here and answer all  
19 those but I mean if you could just give us an idea  
20 of some of the arrests maybe that you made with  
21 those officers in the past.

22          SGT. RYAN:           We've made everything from  
23 felony narcotics arrests to possession of firearms  
24 arrests to homicide arrests, suspects wanted for  
25 homicides. Everything from some petty crimes to  
26 homicides. At least a couple homicide arrests.

1           SGT. NEVIN:           Very good. You described that  
2 the Lieutenant had gotten there, you spoken to him  
3 briefly. Do you recall if you gave any public  
4 safety statement to any supervisor? If you want me  
5 to describe exactly what I mean by that I can.

6           SGT. RYAN:           No, no, I know. Yeah, I don't.

7           SGT. NEVIN:           In this case it doesn't  
8 appear that there would be much public safety  
9 information to put out in the event that there's no  
10 outstanding suspects or vehicles. But the direction  
11 of fire and things like that might have been  
12 [unintelligible]

13          SGT. RYAN:           I wasn't aware of any other  
14 suspects and I wasn't aware of any-anybody else  
15 that was placed in danger and in need of any help  
16 so I don't remember making any other statements.

17          SGT. NEVIN:           Okay. And then do you recall  
18 if you were separately monitored-separated from the  
19 other officers involved in this and monitored after  
20 the incident?

21          SGT. RYAN:           I was.

22          SGT. NEVIN:           Okay. And do you recall any-  
23 in terms of your experience going through the  
24 incident do you recall any specific perceptions or  
25 perceptions that sometimes people might describe  
26 auditory senses shutting down a little bit or you

1 know you're selective attention and things of that  
2 nature? Do you recall anything perceptually that  
3 you experienced during this high-stress deadly  
4 force encounter?

5 SGT. RYAN: I don't believe—I remember I  
6 was very focused on the suspect and the vehicle. I  
7 don't know for sure in looking back at whether my  
8 vision was restricted to just that, I don't know  
9 for sure. I know as far as auditory, my hearing,  
10 that it wasn't—didn't sound, you know, you go to  
11 the range and qualify you wear headgear and all  
12 that. I didn't sound extremely loud like I thought  
13 it was going to sound. So I do know that my hearing  
14 was a little bit—I don't know how you'd say it—  
15 wasn't as sensitive as I thought it was going to  
16 be. But other than that, but I was hearing other  
17 commands, I was hearing people yell, I heard  
18 officers yelling, I heard commands being yelled and  
19 all that. So yeah.

20 SGT. NEVIN: Christina?

21 SGT. FRANCO: No further questions?

22 SGT. NEVIN: You don't have any questions,  
23 okay.

24 PENDERGAST: I don't have any questions.

25 SGT. NEVIN: Do you have anything Scott  
26 that you feel that you want to add or you feel

1 would be important to tell us that wasn't asked or  
2 anything about--about this?

3 SGT. RYAN: No.

4 SGT. NEVIN: Okay. Are you familiar with  
5 the Department has reissued Use of Firearms General  
6 Order in March of this year?

7 SGT. RYAN: Right.

8 SGT. NEVIN: Okay, so you've read the  
9 order?

10 SGT. RYAN: Yes.

11 SGT. NEVIN: Okay, I don't have any other  
12 further questions. I'm going to conclude the  
13 interview at approximately 1707 hours.

14 **END OF DOCUMENT**

1 INSPECTOR CAGNEY: Inspector Cagney, Inspector  
2 Delahunty, 3:41 at 2103 for the Homicide Detail.  
3 DAI POSADA: Jim Posada, San Francisco  
4 District Attorney Investigations, 7044.  
5 INSPECTOR CAGNEY: Counsel?  
6 POA PENDERGAST: Lori Pendergast, attorney.  
7 INSPECTOR CAGNEY: And this is in regards to  
8 SFPD Case Number 110 460 706. Incident occurred  
9 06/07/11. Officer, can you state your full name,  
10 please?  
11 OFFICER LIEU: Albert Lieu.  
12 INSPECTOR CAGNEY: And what's your Star  
13 Number?  
14 OFFICER LIEU: 1632.  
15 INSPECTOR DELAHUNTY: Is it, I'm sorry, is it  
16 L-E-U?  
17 OFFICER LIEU: I'm sorry--  
18 INSPECTOR DELAHUNTY: I mean, L-E-W?  
19 OFFICER LIEU: It's L-I-E-U.  
20 INSPECTOR DELAHUNTY: I'm sorry. L-I-E-U.  
21 Thank you.  
22 INSPECTOR CAGNEY: And what's your date of  
23 birth?  
24 OFFICER LIEU: [REDACTED].  
25 INSPECTOR CAGNEY: And how long you been

1 employed by the Police Department?

2 OFFICER LIEU: Approximately seven years.

3 INSPECTOR CAGNEY: Seven years?

4 OFFICER LIEU: Yes.

5 INSPECTOR CAGNEY: And how long have you been  
6 assigned to Park Station?

7 OFFICER LIEU: About three years.

8 INSPECTOR CAGNEY: Three years. And I assume  
9 that you've been assigned to the plainclothes unit  
10 for some time?

11 OFFICER LIEU: Yes, sir.

12 INSPECTOR CAGNEY: And when did you get  
13 assigned to there?

14 OFFICER LIEU: Uh. About two-and-a-half,  
15 almost three years.

16 INSPECTOR CAGNEY: Two-and-a-half, three  
17 years?

18 OFFICER LIEU: Yes.

19 INSPECTOR CAGNEY: Did you have previous  
20 plainclothes experience prior to being in the Park  
21 35 Car?

22 OFFICER LIEU: No, I did not.

23 INSPECTOR CAGNEY: No? And what was your unit  
24 identifier today?

25 OFFICER LIEU: 3F35C.

1 INSPECTOR CAGNEY: Okay. And when did you  
2 start your tour today, you started watch?

3 OFFICER LIEU: Uh, [REDACTED]h., [REDACTED]hours.

4 INSPECTOR CAGNEY: And what time are you  
5 supposed to be off?

6 OFFICER LIEU: Uh, [REDACTED]

7 INSPECTOR CAGNEY: Obviously not.

8 OFFICER LIEU: Yeah. [laughs]

9 INSPECTOR CAGNEY: [laughs] And who were you,  
10 you working with tonight?

11 OFFICER LIEU: Tonight I was working with  
12 Sergeant Ryan. Uh, 3F135, and Ruben Reyes, uh,  
13 3F35L.

14 INSPECTOR CAGNEY: And are they your usual  
15 partners?

16 OFFICER LIEU: Uh, we have two additional team  
17 members that are not here today.

18 INSPECTOR CAGNEY: Was it unusual today to be  
19 operating with the other two, the sergeant and the  
20 other officer?

21 OFFICER LIEU: No.

22 INSPECTOR CAGNEY: That was typical.

23 OFFICER LIEU: Yes.

24 INSPECTOR CAGNEY: And what about you  
25 equipment today? Were you dressed as we see you



1 today? Have you changed clothes, or this is what  
2 you had on today?

3 OFFICER LIEU: This is what I had on today.

4 INSPECTOR CAGNEY: Did you have a jacket?

5 OFFICER LIEU: Uh, no.

6 INSPECTOR CAGNEY: So, you're just a black t-  
7 shirt and, I'm sorry, you have--

8 OFFICER LIEU: Black shoes.

9 INSPECTOR CAGNEY: Black shoes and blue jeans?

10 OFFICER LIEU: Yes.

11 INSPECTOR CAGNEY: And tell us about your  
12 equipment that you started out the day with.

13 OFFICER LIEU: Uh, I had my uh, two  
14 [unintelligible]

15 INSPECTOR CAGNEY: Okay.

16 OFFICER LIEU: A pouch. Uh, my department  
17 issue um, firearm.

18 INSPECTOR CAGNEY: Right.

19 OFFICER LIEU: I had my OC, UR stick, uh,  
20 flashlight, and two sets of handcuffs.

21 INSPECTOR CAGNEY: Okay. Your star?

22 OFFICER LIEU: Uh, yes, the star, yes.

23 INSPECTOR CAGNEY: Okay. And this is how you  
24 started out the day, was this how you were equipped  
25 when this incident occurred?

1 OFFICER LIEU: Yes.

2 INSPECTOR CAGNEY: Okay. And we understand  
3 from speaking to Officer Reyes, that you were  
4 driving today. Is that correct?

5 OFFICER LIEU: Correct.

6 INSPECTOR CAGNEY: And what type of vehicle  
7 were you driving?

8 OFFICER LIEU: We were driving a Crown Vic,  
9 tinted windows.

10 INSPECTOR CAGNEY: Tinted windows? Does that  
11 vehicle have emergency equipment?

12 OFFICER LIEU: Um.

13 INSPECTOR CAGNEY: Red light, police radio.

14 OFFICER LIEU: Ah, yes, it has a red light,  
15 yes.

16 INSPECTOR CAGNEY: Siren?

17 OFFICER LIEU: Um--

18 INSPECTOR CAGNEY: All the things that are--

19 OFFICER LIEU: --It has a computer.

20 INSPECTOR CAGNEY: Okay.

21 OFFICER LIEU: A red light, and uh, that's it,  
22 unmarked.

23 INSPECTOR CAGNEY: Were you driving this car  
24 throughout the entire day today?

25 OFFICER LIEU: Yes.

1 INSPECTOR CAGNEY: You were the driver, so to  
2 speak?

3 OFFICER LIEU: Yes.

4 INSPECTOR CAGNEY: And what was your specific  
5 assignment today when you came in today? What did  
6 you know to be your duties?

7 OFFICER LIEU: Our original assignment was ...  
8 we were responding, the moment we came in we were  
9 supposed to respond to that area, um, as support  
10 for, what was, um, I guess for, for--We were  
11 advised that um, there was someone there that was  
12 under surveillance.

13 INSPECTOR CAGNEY: Well, hang on, just, just  
14 take it slow.

15 OFFICER LIEU: Oh.

16 INSPECTOR CAGNEY: You came into work and--

17 OFFICER LIEU: Just routine.

18 INSPECTOR CAGNEY: --Sergeant Ryan tells you,  
19 "Hey, this is what we're doing today," and so, so  
20 kind of walk us through, then. I mean, you come  
21 into work and then you're told that you have an  
22 assignment to do.

23 OFFICER LIEU: Correct.

24 INSPECTOR CAGNEY: And how does that  
25 transpire? What are you told?

1 OFFICER LIEU: Oh--

2 INSPECTOR CAGNEY: You know, who's, who's  
3 involved? What your responsibilities, if any, are?

4 OFFICER LIEU: Uh--I'm sorry, I'm  
5 [unintelligible] uh, we were uh, when we came in we  
6 were advised to uh, get suited up, get ready, and  
7 take our uh, unmarked Crown Vic to the area of uh,  
8 Duboce and Divisadero, that general area.

9 INSPECTOR CAGNEY: And who's we?

10 OFFICER LIEU: Uh, Officer Reyes.

11 INSPECTOR CAGNEY: And yourself?

12 OFFICER LIEU: Correct.

13 INSPECTOR CAGNEY: And what was your, your  
14 responsibilities when you responded out there?  
15 What were you told to do?

16 OFFICER LIEU: Uh, just, uh, stand back and  
17 work with support.

18 INSPECTOR CAGNEY: Support for--?

19 OFFICER LIEU: Um, they, we were told that um,  
20 there was a surveillance going on, um, that  
21 involved uh, I believe the FBI. I'm not sure if  
22 they were there, 'cause I never saw them. And um,  
23 numerous other uh, plainclothes units.

24 INSPECTOR CAGNEY: Okay. And who's tell you  
25 this?

1 OFFICER LIEU: Uh, Sergeant Ryan.

2 INSPECTOR CAGNEY: Sergeant Ryan?

3 OFFICER LIEU: Yes.

4 INSPECTOR CAGNEY: Did he give you any  
5 specific details as to, as to what you were  
6 supposed to do? You said support, but what was the  
7 nature of the surveillance? Did he get into any  
8 details as to what the suspect was wanted for, if  
9 anything?

10 OFFICER LIEU: Oh.

11 INSPECTOR CAGNEY: Whether the suspect was  
12 armed, if ■ was? And what ■ was wanted for?  
13 What ■ was driving? Where ■ was. Anything, the  
14 details is what I'm asking for.

15 OFFICER LIEU: Oh, okay, I'm sorry. Um.

16 INSPECTOR CAGNEY: No, that's okay. You're  
17 doing great, and we just have to ask--

18 INSPECTOR DELAHUNTY: Yeah, everything's good.

19 INSPECTOR CAGNEY: --specific questions to get  
20 it out. You know all this stuff, but we know you  
21 know, but we got to make sure everybody hears it.

22 OFFICER LIEU: Oh, okay. Uh, we were told  
23 that um, we're sitting, there, that there was a  
24 surveillance going on regarding uh, a bank robber  
25 from Southern California. Um, a stolen vehicle.

1 Um. [REDACTED] Um. I believe [REDACTED] height was  
2 around [REDACTED] and possibly [REDACTED] hair.  
3 And um, that [REDACTED] was also um, uh, I guess [REDACTED] tried  
4 to run down two officers, uh, earlier or the,  
5 that's as much as I got.

6 INSPECTOR CAGNEY: Okay. And this was told to  
7 you when you were at Park Station getting ready to  
8 respond out.

9 OFFICER LIEU: Correct.

10 INSPECTOR CAGNEY: And if I remember  
11 correctly, you said you and Officer Reyes responded  
12 in the Crown Victoria, and that we discussed  
13 already.

14 OFFICER LIEU: Yes.

15 INSPECTOR CAGNEY: And where did you respond  
16 to? You said that you went to Duboce and  
17 Divisadero?

18 OFFICER LIEU: Um. We were at uh, yes, uh.  
19 Divisadero and Duboce, correct.

20 INSPECTOR CAGNEY: Okay. And what happens  
21 after that?

22 OFFICER LIEU: Uh, we--

23 INSPECTOR CAGNEY: Once you and Officer Reyes  
24 are there?

25 OFFICER LIEU: Uh. We staged over there, and

1 at approximately uh, 1500 hours, they terminated  
2 the surveillance, and uh, released everyone.

3 INSPECTOR CAGNEY: Okay. And do you have any  
4 information as to what had happened? Or was it  
5 just that was the end of it?

6 OFFICER LIEU: Uh, No, they uh, I'm, I'm not  
7 sure which unit, but someone had placed a tracker  
8 on it.

9 INSPECTOR CAGNEY: Okay.

10 OFFICER LIEU: And um, going back, uh, the  
11 vehicle that we were surveilling, we were told that  
12 it was a BMW.

13 INSPECTOR CAGNEY: Right.

14 OFFICER LIEU: Uh, and it was tracked by um,  
15 factory installed tracking system, or something, G-  
16 -uh, their GPS, BMW GPS or--I'm not familiar with  
17 uh--

18 INSPECTOR CAGNEY: And do you know what  
19 surveillance was, was called at, at 1500 or why  
20 they terminated it?

21 OFFICER LIEU: Uh, they just set the time  
22 limit, I guess the--I don't know why, particularly.

23 INSPECTOR CAGNEY: Okay.

24 OFFICER LIEU: They said um, well, they'll  
25 call it at 1500, and then was later, I forgot when,

1 but we were told that um, they had placed a, a  
2 tracker on it.

3 INSPECTOR CAGNEY: I see. So, it's just you  
4 and Officer Reyes, the surveillance is over, so  
5 how, how do you carry on for the, the day?

6 OFFICER LIEU: Um. Afterwards, we went back,  
7 after it was uh, canceled, we went back to the  
8 station.

9 INSPECTOR CAGNEY: Right.

10 OFFICER LIEU: And when we back to the  
11 station, uh, we tried, we just um, we, we deployed  
12 again, we just kind of went out on patrol.

13 INSPECTOR CAGNEY: Just did what you normally  
14 do.

15 OFFICER LIEU: Right.

16 INSPECTOR CAGNEY: Anything stands out about  
17 what you were doing, between when the termination  
18 of the surveillance and the, and the incident later  
19 occurred? I mean, did you guys go anywhere in  
20 particular? Or--

21 OFFICER LIEU: Um.

22 INSPECTOR CAGNEY: --engage in any specific  
23 work?

24 OFFICER LIEU: We, I know Sergeant Ryan, um,  
25 was out there for a while, so he didn't get to eat



1 lunch. So, he picked up a little something, and  
2 uh--

3 INSPECTOR CAGNEY: Were you all together at  
4 this point, or--

5 OFFICER LIEU: Yes, yes we were all together.

6 INSPECTOR CAGNEY: --Okay, so tell about, how  
7 did that happen?

8 OFFICER LIEU: We all, we got back at the  
9 station.

10 INSPECTOR CAGNEY: Okay.

11 OFFICER LIEU: And then he, we went, got in  
12 the same car, we all um, got into the same car.  
13 Then we went to uh, McCallister and Divisadero for,  
14 he picked up some food.

15 INSPECTOR CAGNEY: Right.

16 OFFICER LIEU: Uh, some Mexican food. And  
17 then, we went back to the station to eat. So that  
18 he could eat. And after he was done, we went out  
19 uh, did some patrol, uh, parked, and then there was  
20 a gun call, uh, involving a Ford Explorer, where  
21 uh, the drivers appar--I guess brandished or  
22 something, to someone, a 909. And we responded to  
23 that, and that was at 17th and Roosevelt. Um. It  
24 turned out to be no merit. From there, we went to,  
25 went on to Roosevelt, and because we, we did, we

1 did not, prior to um, well when we first told, we  
2 never saw the scene, we had no idea where the car  
3 was, the, this uh, the BMW. We had no location, we  
4 had no um, bearings on where the vehicle was.

5 INSPECTOR CAGNEY: Right.

6 OFFICER LIEU: So, we figure if anything  
7 happened, we should know where the vehicle was, so  
8 did a little investigation.

9 INSPECTOR CAGNEY: Makes perfect sense.

10 OFFICER LIEU: So, we drove over there,  
11 looking for the vehicle.

12 INSPECTOR CAGNEY: You're driving.

13 OFFICER LIEU: Yes, I'm driving, I'm sorry.

14 INSPECTOR CAGNEY: No, it's okay.

15 OFFICER LIEU: I was driving. And um--

16 INSPECTOR CAGNEY: And who's uh, give us the  
17 positions of everybody in the car.

18 OFFICER LIEU: Oh, okay. Um. Sergeant Ryan's  
19 to my right.

20 INSPECTOR CAGNEY: So he's in the passenger  
21 seat.

22 OFFICER LIEU: Front seat, yeah.

23 INSPECTOR CAGNEY: Okay.

24 OFFICER LIEU: Front passenger. And Ruben  
25 was, I think he was on, behind me, sitting behind

1 me.

2 INSPECTOR CAGNEY: Fair enough.

3 OFFICER LIEU: Um.

4 INSPECTOR CAGNEY: So you're driving around  
5 and you're thinking you're going to go check out  
6 the car.

7 OFFICER LIEU: Right. Find out--So, so we  
8 have an idea what we're dealing with.

9 INSPECTOR CAGNEY: Makes perfect sense.

10 OFFICER LIEU: So we go down um, Buena Vista  
11 East, towards Haight, um, northbound, towards  
12 Haight Street.

13 INSPECTOR CAGNEY: Northbound, okay.

14 OFFICER LIEU: And we're looking for the  
15 vehicle. And when we pass by a BMW, one BMW, I  
16 said, "Oh, is that it?" And then, someone said, I  
17 think Ruben had stated that it had paper plates,  
18 this one had California plates, so it's not. So we  
19 keep going. And someone mentioned um, a van.

20 INSPECTOR CAGNEY: Right.

21 OFFICER LIEU: Yellow van. Then we see one,  
22 and kind of crept by it, saw it, saying, "Oh, is  
23 that it?" we're not sure. So, went down to Haight,  
24 circled back around. And now we're going  
25 southbound, back up the hill.

1 INSPECTOR CAGNEY: Up the hill, right.  
2 INSPECTOR DELAHUNTY: So, did you just make a  
3 U-turn?  
4 OFFICER LIEU: Yes.  
5 INSPECTOR DELAHUNTY: Okay.  
6 INSPECTOR CAGNEY: So you make it all the way  
7 down to Haight and do the U-ey.  
8 OFFICER LIEU: Right.  
9 INSPECTOR CAGNEY: Gotcha.  
10 OFFICER LIEU: And then, as we pass by it, we  
11 thought, you know, we're not sure if anyone's in  
12 there. So we stopped, and I rolled back. And  
13 that's when, "Shit, there's someone in the car."  
14 And then, I threw the car in park.  
15 INSPECTOR CAGNEY: You see someone in the car.  
16 OFFICER LIEU: Um, yeah. I think we all did.  
17 INSPECTOR CAGNEY: Okay.  
18 OFFICER LIEU: Saw something that looked like  
19 a person.  
20 INSPECTOR CAGNEY: Okay.  
21 OFFICER LIEU: So, we jumped out of the car.  
22 And I made my way around the front of the vehicle.  
23 INSPECTOR CAGNEY: Of your vehicle or--?  
24 OFFICER LIEU: Our, our vehicle, the Crown  
25 Victoria.

1 INSPECTOR CAGNEY: Okay.

2 OFFICER LIEU: Um. So, I know Sergeant Ryan  
3 was by his door. I don't know where Officer Reyes,  
4 Ruben, was. And I made my way to position to the  
5 car next to the BMW, in the trunk area. And I drew  
6 down on [REDACTED] and I gave [REDACTED] verbal orders to put  
7 [REDACTED] hands so I can see [REDACTED] hands.

8 INSPECTOR CAGNEY: Well, I mean, you, you're  
9 getting a lot of information out, and quickly, and  
10 we appreciate that. Um. So, you're around to  
11 basically the back of the BMW, in front of the  
12 Crown Vic, at this point. And you've drawn your  
13 firearm, is that correct?

14 OFFICER LIEU: I'm sorry?

15 INSPECTOR CAGNEY: You've gotten out of the,  
16 the Crown Vic.

17 OFFICER LIEU: Correct.

18 INSPECTOR CAGNEY: You walked around to the  
19 front.

20 OFFICER LIEU: Uh-huh.

21 INSPECTOR CAGNEY: And now you're to the rear  
22 of the car as it's parked, the BMW's parked up on  
23 the curb?

24 OFFICER LIEU: No, not the BMW.

25 INSPECTOR CAGNEY: Okay.

1 OFFICER LIEU: Uh, the vehicle to its left.

2 INSPECTOR CAGNEY: Oh, okay, so you know, we  
3 have these photos here, and we were hoping maybe  
4 you could kind of, maybe give 'em as kind of enough  
5 to sort of orient us, you know, these, there are  
6 several pictures. So whatever one works best for  
7 you. And uh, you know, take a look at these at  
8 your convenience, and study 'em for a minute, and  
9 then kind of give us some idea where, where you  
10 went.

11 OFFICER LIEU: Okay.

12 INSPECTOR CAGNEY: And take your time, we're  
13 in no hurry, so.

14 OFFICER LIEU: Okay. This one's probably the-  
15 -um.

16 INSPECTOR CAGNEY: We'll call that one, that  
17 phone number one.

18 OFFICER LIEU: This one?

19 INSPECTOR CAGNEY: Yeah. So, I'll put a  
20 number here, just so it's easy to refer to. And  
21 then I'll number 'em all. So. And you know, like  
22 I said, whatever you feel comfortable with. And if  
23 the pictures don't do you, do it justice, then you  
24 don't have to use 'em. It's--

25 OFFICER LIEU: Okay.

1 INSPECTOR CAGNEY: --entirely for your help  
2 and our help, you know what I mean?  
3 OFFICER LIEU: Okay.  
4 INSPECTOR CAGNEY: So what do you got?  
5 OFFICER LIEU: All right. So, well, so the  
6 BMW was parked in this lot, parallel--  
7 INSPECTOR CAGNEY: When you first saw it.  
8 OFFICER LIEU: Right.  
9 INSPECTOR CAGNEY: Okay.  
10 OFFICER LIEU: With everyone else. And when I  
11 got out of the car, I went around the front of my  
12 vehicle, and took a position in back of this one.  
13 INSPECTOR CAGNEY: Okay, so this is a, I think  
14 if we just assign--  
15 INSPECTOR DELAHUNTY: It's a Nissan Ultima.  
16 INSPECTOR CAGNEY: Okay, so, you're behind the  
17 Nissan.  
18 OFFICER LIEU: And I, I had a clear view of  
19 the driver.  
20 INSPECTOR CAGNEY: Okay.  
21 OFFICER LIEU: And I drew down on [REDACTED]  
22 INSPECTOR CAGNEY: Right.  
23 OFFICER LIEU: And I said, uh, "Police,  
24 police," I had my star issued. Um.  
25 INSPECTOR CAGNEY: You said your star--

1 OFFICER LIEU: Was open.

2 INSPECTOR CAGNEY: Was visible?

3 OFFICER LIEU: Right.

4 INSPECTOR CAGNEY: Okay.

5 OFFICER LIEU: And I said, "Police, police.  
6 Put your hands up, let me see your hands." And I  
7 did that numerous times. And [REDACTED] didn't have, [REDACTED]  
8 didn't respond or anything. And I stopped, and  
9 noticed, I could hear an engine kind of, I can hear  
10 the engine.

11 INSPECTOR CAGNEY: Right.

12 OFFICER LIEU: And I, back of my mind I kind  
13 of remember something about [REDACTED] trying to run down  
14 the cops. So, I, then I gave orders to turn off  
15 the engine.

16 INSPECTOR CAGNEY: Okay.

17 OFFICER LIEU: I said, "Turn off your engine,  
18 turn off your engine. Let me see your hands, let  
19 me see your hands." I'm not sure how many times I  
20 said it, and in what order, but--

21 INSPECTOR CAGNEY: Right.

22 OFFICER LIEU: --those were things I was  
23 screaming out at [REDACTED]. And I remember um, when I  
24 first took position, like I think [REDACTED] sunroof was  
25 open.



1 INSPECTOR CAGNEY: Okay.  
2 OFFICER LIEU: Um. But I, I think we were all  
3 yelling that.  
4 INSPECTOR CAGNEY: Right.  
5 OFFICER LIEU: And um--  
6 INSPECTOR CAGNEY: Did you hear other people  
7 yelling, is that what you're saying?  
8 OFFICER LIEU: Yes. I don't know who was  
9 yelling, but I--  
10 INSPECTOR CAGNEY: It wasn't just you, is what  
11 you're saying.  
12 OFFICER LIEU: No, no.  
13 INSPECTOR CAGNEY: Okay. And these are your,  
14 your partners.  
15 OFFICER LIEU: Correct.  
16 INSPECTOR CAGNEY: And you're not sure who.  
17 OFFICER LIEU: Right.  
18 INSPECTOR CAGNEY: And you don't know exactly  
19 what they're saying, or can you hear what they're  
20 saying?  
21 OFFICER LIEU: Uh, I, I kept hearing, "Police,  
22 police."  
23 INSPECTOR CAGNEY: Okay.  
24 OFFICER LIEU: And um, we're probably saying  
25 the same thing. You know?

1 INSPECTOR CAGNEY: Sure.

2 OFFICER LIEU: "Let me see your hands, let me  
3 see your hands." Um.

4 INSPECTOR CAGNEY: Can you see Officer Reyes,  
5 or Sergeant Ryan, while you're basically, as you  
6 say, kind of looking at the suspect here?

7 OFFICER LIEU: Um, I don't know where Officer  
8 Reyes' position was.

9 INSPECTOR CAGNEY: Okay.

10 OFFICER LIEU: But I remember Sergeant Ryan  
11 was um, kind of in the back of the vehicle area,  
12 'cause he was, he was on the radio.

13 INSPECTOR CAGNEY: This is the BMW.

14 OFFICER LIEU: Yes.

15 INSPECTOR CAGNEY: He's in the back of.

16 OFFICER LIEU: Yeah.

17 INSPECTOR CAGNEY: Okay. And he's on the  
18 radio.

19 OFFICER LIEU: Right.

20 INSPECTOR CAGNEY: And why do you remember  
21 that?

22 OFFICER LIEU: Because I was trying to queue  
23 it also.

24 INSPECTOR CAGNEY: Right.

25 OFFICER LIEU: And I didn't want to step on

1 him, so I let go. And, and then I took a position.

2 INSPECTOR CAGNEY: Could you hear what  
3 Sergeant Ryan was using the radio for?

4 OFFICER LIEU: Um. I remember him calling  
5 something, I don't remember what he said.

6 INSPECTOR CAGNEY: And this is while you're  
7 giving commands to the [REDACTED] in the car.

8 OFFICER LIEU: Correct.

9 INSPECTOR CAGNEY: I see. All right, so that  
10 this point, you hear the engine uh, on--

11 OFFICER LIEU: Right.

12 INSPECTOR CAGNEY: --and you're telling [REDACTED] to  
13 turn off the car.

14 OFFICER LIEU: Correct.

15 INSPECTOR CAGNEY: What happens next?

16 OFFICER LIEU: The car started moving back.

17 INSPECTOR CAGNEY: Okay.

18 OFFICER LIEU: Towards Sergeant Ryan.

19 INSPECTOR CAGNEY: And how do you characterize  
20 its movement?

21 OFFICER LIEU: Um. I'm not s--I don't  
22 understand.

23 INSPECTOR CAGNEY: Well, I mean, you know,  
24 there's pulling out of a spot, like you and I would  
25 do, if we're going to the grocery store.

1 OFFICER LIEU: Uh-huh.  
2 INSPECTOR CAGNEY: There's trying to get out  
3 of a spot quickly.  
4 OFFICER LIEU: Right.  
5 INSPECTOR CAGNEY: There's a cat, you know, I  
6 mean--  
7 OFFICER LIEU: Yeah.  
8 INSPECTOR CAGNEY: --there's an aggressive  
9 movement backwards, there's a, a normal movement  
10 backwards--  
11 OFFICER LIEU: Oh, okay.  
12 INSPECTOR CAGNEY: --there's a slow movement  
13 backwards. I don't want to put words in your  
14 mouth--  
15 OFFICER LIEU: No--  
16 INSPECTOR CAGNEY: --as to, to how the vehicle  
17 was behaving, but--  
18 OFFICER LIEU: Uh-huh.  
19 INSPECTOR CAGNEY: --you can kind of gage, you  
20 know, what the intention of it was by the movement.  
21 OFFICER LIEU: Well, it didn't look like it  
22 was idling backwards.  
23 INSPECTOR CAGNEY: Okay.  
24 OFFICER LIEU: It seemed like it was going at  
25 a pretty good pace.

1 INSPECTOR CAGNEY: Okay.

2 OFFICER LIEU: And at that point ... I forgot,  
3 I, I can't say, I don't remember at which point um,  
4 I discharged my firearm.

5 INSPECTOR CAGNEY: Okay.

6 OFFICER LIEU: But I know I discharged it,  
7 'cause the vehicle was going the direction where  
8 the Sergeant was.

9 INSPECTOR CAGNEY: Okay.

10 OFFICER LIEU: And ... I shot a couple rounds.

11 INSPECTOR CAGNEY: Okay.

12 OFFICER LIEU: I don't remember how many. Um.  
13 Then the vehicle turned towards me. Or, it backed  
14 up, and then it, the front end was now in an upward  
15 position, come in my direction.

16 INSPECTOR CAGNEY: So it was facing you.

17 OFFICER LIEU: Yes.

18 INSPECTOR CAGNEY: The car was facing you.

19 OFFICER LIEU: Correct.

20 INSPECTOR CAGNEY: Okay.

21 OFFICER LIEU: So, I tried to move out of the  
22 way.

23 INSPECTOR CAGNEY: All right.

24 OFFICER LIEU: And like, ■ was coming at me,  
25 so I tried to, I don't know what I was doing,

1 thinking, but I tried going to, I was going to try  
2 run through this patch, right between the cars.

3 INSPECTOR CAGNEY: Between, well, these two  
4 cars.

5 OFFICER LIEU: This--yes.

6 INSPECTOR CAGNEY: 'Cause this car and then  
7 the car--

8 OFFICER LIEU: Yes.

9 INSPECTOR CAGNEY: --that you were originally  
10 standing behind.

11 OFFICER LIEU: Correct.

12 INSPECTOR CAGNEY: Okay, so you were going to  
13 try to run between the two cars.

14 OFFICER LIEU: Right.

15 INSPECTOR CAGNEY: Okay.

16 OFFICER LIEU: And [REDACTED] hit the car--

17 INSPECTOR CAGNEY: Right.

18 OFFICER LIEU: --and as my leg was in there,  
19 kind of pinned me in there.

20 INSPECTOR CAGNEY: Okay.

21 OFFICER LIEU: For a second. And I, I was  
22 still shooting.

23 INSPECTOR CAGNEY: Right.

24 OFFICER LIEU: And then I kind of, after I  
25 kind of got out--

1 INSPECTOR CAGNEY: Right.

2 OFFICER LIEU: --I ran around to the front, to  
3 position this area. Um. And then, I dropped my  
4 magazine, 'cause I wasn't sure if I was [REDACTED] and [REDACTED]  
5 was still not compliant with our orders--

6 INSPECTOR CAGNEY: Okay.

7 OFFICER LIEU: --to uh, show us [REDACTED] hands,  
8 stop, and--

9 INSPECTOR CAGNEY: Right.

10 OFFICER LIEU: And I reloaded, and we just  
11 kind of, at that time, the shooting uh, I don't  
12 remember any more shooting.

13 INSPECTOR CAGNEY: Okay.

14 OFFICER LIEU: And we just kind of waited and  
15 started giving verbal orders to um, "Let's see your  
16 hands, let's see your hands." And again, [REDACTED] wasn't  
17 doing anything. [REDACTED] wasn't complying. Uh. [REDACTED] was  
18 saying something, I don't remember what [REDACTED] was  
19 saying. And at that point, um, we were trying to  
20 get [REDACTED] um, I guess out of the vehicle. We're  
21 trying to get close enough, because [REDACTED] didn't  
22 appear to be doing anything, but [REDACTED] was saying  
23 something, movement. And we had [REDACTED] covered.  
24 Officer Reyes went around to the other side, 'cause  
25 [REDACTED] kind of was um, visually engaged with um, in our

1 direction. And Officer Reyes says, "[REDACTED] hand is  
2 clear." I think, I think that's what he said,  
3 something is clear, and but then from my angle, I  
4 still couldn't see. So, we kind of stood back and  
5 kind of waited, just and continued giving [REDACTED]  
6 orders. Um. "Hands, hands, let's see your hands."  
7 And um, also I tried to open the door when [REDACTED] said  
8 it was clear, but the door was locked. I couldn't  
9 open it.

10 INSPECTOR CAGNEY: This is the driver's side  
11 of the BMW.

12 OFFICER LIEU: Correct. Um. Couldn't do  
13 that. And, I guess, somehow, some, I don't know  
14 how the door got unlocked. We were able to open  
15 it. And I grabbed hold of [REDACTED] right hand, some--  
16 somewhere in the mix, I was able to grab hold of  
17 [REDACTED] right hand, secure [REDACTED] hand. [REDACTED] left hand was  
18 on, toward the door area, so it was visible. And  
19 [REDACTED] hung onto [REDACTED] hand. And we handcuffed [REDACTED] Um.  
20 I remember someone in the background calling for a  
21 408. And that's about it.

22 INSPECTOR CAGNEY: Okay.

23 OFFICER LIEU: Yeah.

24 INSPECTOR CAGNEY: We're, we're going to ask  
25 you a couple more questions about the aftermath,



1 but I mean, before I lose my train of thought--

2 OFFICER LIEU: Okay.

3 INSPECTOR CAGNEY: --and you lose your yours,  
4 let's just back up a little bit to the part about  
5 um, the car starts to go backwards.

6 OFFICER LIEU: Okay.

7 INSPECTOR CAGNEY: And, again, I don't want to  
8 put words in your mouth, this is just my  
9 recollection, but we've been working all day just  
10 like you, so, my memory could be wrong.

11 OFFICER LIEU: Right.

12 INSPECTOR CAGNEY: So feel free to correct me.

13 OFFICER LIEU: Okay.

14 INSPECTOR CAGNEY: But your perception is that  
15 Sergeant Ryan is, is behind the cars that's backing  
16 up.

17 OFFICER LIEU: Correct.

18 INSPECTOR CAGNEY: Is that correct?

19 OFFICER LIEU: Yes.

20 INSPECTOR CAGNEY: And you decided to engage  
21 this individual, and the reason was--

22 OFFICER LIEU: [REDACTED] was heading towards the  
23 Sergeant, sort of. I thought [REDACTED] was going to try  
24 to hit the Sarge.

25 INSPECTOR CAGNEY: You know, Officer Lieu,

1 part of our job, I mean, it's difficult for cops  
2 to, to talk about what they think and what they  
3 feel and what their emotions are, but it's a, it's  
4 an important part of the investigation, because  
5 police officers obviously have a great  
6 responsibility in how they use deadly force. And  
7 part of that is, is what's going through their  
8 minds, what their perceptions are, as what their  
9 thinking is.

10 OFFICER LIEU: Right.

11 INSPECTOR CAGNEY: So, as best you can, I  
12 mean, try to, if you can, tell us, I mean, when you  
13 saw that car backing up towards Sergeant Ryan, what  
14 did you think was going to happen?

15 OFFICER LIEU: I thought [REDACTED] was going to go  
16 hit him.

17 INSPECTOR CAGNEY: You thought [REDACTED] was going to  
18 hit him.

19 OFFICER LIEU: Yeah.

20 INSPECTOR CAGNEY: And when you employed your  
21 weapon, what do you think you were trying to do?

22 OFFICER LIEU: I was trying to stop [REDACTED]

23 INSPECTOR CAGNEY: Trying to stop the person  
24 in the car from running over Sergeant Ryan.

25 OFFICER LIEU: Correct.

1 INSPECTOR CAGNEY: Now was your intention--

2 OFFICER LIEU: Yes.

3 INSPECTOR CAGNEY: --did you feel right then  
4 and there, I know at some point, it sounds, and  
5 again, not putting words in your mouth, that you  
6 were, yourself in danger. At that point, did you  
7 feel you were in danger, or you were trying to  
8 protect Sergeant Ryan?

9 OFFICER LIEU: I was trying to protect  
10 Sergeant Ryan.

11 INSPECTOR CAGNEY: All right. Do you think  
12 before any of this happened, the car going  
13 backwards, just going back a minute or two, or a  
14 second or two before the shooting--

15 OFFICER LIEU: Right.

16 INSPECTOR CAGNEY: --when you're giving  
17 commands to this individual in this car, do you  
18 think [REDACTED] knew you were there? Could [REDACTED] hear you?  
19 Do you think [REDACTED] acknowledged you in some fashion?

20 OFFICER LIEU: I think [REDACTED] did. Because um, up  
21 until when I engaged [REDACTED] I was giving the orders,  
22 you know, we, everybody was identifying ourselves  
23 as "Police, police." And when I told [REDACTED] to turn  
24 off the engine, I gave [REDACTED] a couple orders, I  
25 remember saying, "Turn off the engine, turn off the

1 engine," and that's when the car went, started  
2 going back.

3 INSPECTOR CAGNEY: Do you know if the, the  
4 driver's side window was down?

5 OFFICER LIEU: No, I do not.

6 INSPECTOR CAGNEY: And you said that you think  
7 maybe the sun roof was down.

8 OFFICER LIEU: Correct.

9 INSPECTOR CAGNEY: Was the car playing any  
10 loud music or anything that, to your recollection?

11 OFFICER LIEU: No.

12 INSPECTOR CAGNEY: Okay. Now, we'll go back  
13 to the part where you felt that Sergeant Ryan's  
14 life was in danger. And then you employed your  
15 firearm, as you said, to stop injury to, to  
16 Sergeant Ryan. How do you think the car ends up  
17 moving now, up the hill, in a southbound direction,  
18 towards you? How do you think that the mechanics  
19 of that, if you know? Could you--

20 OFFICER LIEU: [REDACTED] but it in drive.

21 INSPECTOR CAGNEY: Did you--you know that, or  
22 you just have to assume that that's, because that's  
23 the way the car ended up being? Or did you see [REDACTED]  
24 do it, is my question.

25 OFFICER LIEU: I didn't see [REDACTED] do it, but I

1 saw the car coming at me.

2 INSPECTOR CAGNEY: Okay. And, again, we asked  
3 you to decide how the car backed up, now I would  
4 like you to, to kind of describe, if you can, how  
5 the car was coming forward.

6 OFFICER LIEU: The car was coming um, so the  
7 car backed up, and now the, I could see the front  
8 end coming towards me.

9 INSPECTOR CAGNEY: Was it coming quickly? Was  
10 it coming jerkily? Was it--Again, I don't want to  
11 try to tell you how to, to describe it, but--

12 OFFICER LIEU: Right.

13 INSPECTOR CAGNEY: it's kind of important to,  
14 to sort of characterize its movement.

15 OFFICER LIEU: Um, it appeared pretty smooth  
16 and was coming, seemed like, you know--Everything  
17 seemed to be in slow motion. So, but it seemed  
18 like it was coming at a good pace because it was  
19 pushing on the car, as I was trying to run through  
20 it.

21 INSPECTOR CAGNEY: Right.

22 OFFICER LIEU: It kind of clipped me a little  
23 bit, so pinned me between the two cars. And I  
24 don't want to assume, but I think the car was  
25 coming pretty fast.

1 INSPECTOR CAGNEY: Okay. And that's fair,  
2 because, and you hit on a very good point, I mean,  
3 we do a lot of these kind of cases. And, you know,  
4 no matter how well trained we all are, I mean,  
5 people's perceptions, we're all human, and your  
6 perceptions isn't going to jive sometimes with,  
7 with what other people may see, or may know.  
8 Again, going back to what you, you were saying  
9 earlier. It sounds like you're running between the  
10 cars, but at this point you're still engaging this  
11 individual, is, is that correct?

12 OFFICER LIEU: Correct, I was trying to get  
13 out of the way.

14 INSPECTOR CAGNEY: Could--could you kind of  
15 describe a little bit more about how that  
16 transpired? The car's coming forward, I assume  
17 you're still behind this car here.

18 OFFICER LIEU: Yeah, sitting about, right  
19 about here.

20 INSPECTOR CAGNEY: And why did you continue to  
21 shoot at the car?

22 OFFICER LIEU: 'Cause I was scared.

23 INSPECTOR CAGNEY: Okay.

24 OFFICER LIEU: Yeah. I mean, I thought ■ was  
25 going to try to run me down next.

1 INSPECTOR CAGNEY: Is that what, that was  
2 going through your mind?  
3 OFFICER LIEU: Yeah.  
4 INSPECTOR CAGNEY: Had--  
5 OFFICER LIEU: I was--  
6 INSPECTOR CAGNEY: I'm sorry.  
7 OFFICER LIEU: I was trying to get away.  
8 INSPECTOR CAGNEY: Okay.  
9 OFFICER LIEU: And when I saw him in the--  
10 Yeah, I was scared, I mean--  
11 INSPECTOR CAGNEY: Yeah. I mean, that's  
12 totally understandable. Did you know that, at this  
13 point, after the car had gone forward, had, were  
14 you able to, to pick up Sergeant Ryan visually  
15 where you knew that he was okay? Or you still at  
16 this point did not know what Sergeant Ryan's status  
17 was?  
18 OFFICER LIEU: It's in the, I have a ... I  
19 thought I saw him to, so I'm facing the vehicle, to  
20 the right.  
21 INSPECTOR CAGNEY: Okay.  
22 OFFICER LIEU: So, I thought I saw him. Um,  
23 but I was concentrating on the vehicle.  
24 INSPECTOR CAGNEY: Right.  
25 OFFICER LIEU: The operator.

1 INSPECTOR CAGNEY: So you don't know what [REDACTED]  
2 condition was at that point.  
3 OFFICER LIEU: No.  
4 INSPECTOR CAGNEY: Did you know that he, if he  
5 had been struck if at all?  
6 OFFICER LIEU: No, I did not.  
7 INSPECTOR CAGNEY: You did not know. And  
8 you're telling us that this car was sort of coming  
9 forward, you felt that this car was coming at you,  
10 and that you had it on yourself, as well. Is that  
11 fair?  
12 OFFICER LIEU: Correct.  
13 INSPECTOR CAGNEY: All right. And you said  
14 you, you kind of tried to run between the cars, but  
15 that you were prevented from doing that. And how  
16 did that occur?  
17 OFFICER LIEU: I was trying to squeeze through  
18 the car and--  
19 INSPECTOR CAGNEY: Right.  
20 OFFICER LIEU: --the car was, there was a gap  
21 there.  
22 INSPECTOR CAGNEY: Okay, initially, at least.  
23 OFFICER LIEU: And, right.  
24 INSPECTOR CAGNEY: Right.  
25 OFFICER LIEU: And I tried to uh, making my



1 way into it.

2 INSPECTOR CAGNEY: Right.

3 OFFICER LIEU: And as I was doing that, the  
4 car started closing in and it closed in on my leg.

5 INSPECTOR CAGNEY: Okay.

6 OFFICER LIEU: And I'm not sure where, where  
7 my leg was in relation to it--

8 INSPECTOR CAGNEY: Right.

9 OFFICER LIEU: But I was able to pull back  
10 out.

11 INSPECTOR CAGNEY: Okay.

12 OFFICER LIEU: And then I made my way to the  
13 front of the vehicle.

14 INSPECTOR CAGNEY: This is just a question,  
15 and we have our reasons for asking. Do you recall  
16 specifically if you ended up touching these cars,  
17 jumping on these cars, trying to jump between the  
18 cars, or anything like that? Did you have any  
19 contact with these two vehicles?

20 OFFICER LIEU: Yes.

21 INSPECTOR CAGNEY: And could you describe that  
22 for us?

23 OFFICER LIEU: I was, these two car, vehicles,  
24 pinned me in.

25 INSPECTOR CAGNEY: Right, and then, and you,

1 did you, how did you get out of that pinning,  
2 because--

3 OFFICER LIEU: I just pulled out 'cause it  
4 clipped me on the pants.

5 INSPECTOR CAGNEY: Did you jump up? Did you  
6 jump backwards? Did you jump forwards?

7 OFFICER LIEU: I was, I was trying to slide in  
8 sideways.

9 INSPECTOR CAGNEY: Okay.

10 OFFICER LIEU: And um, then in, it clipped me  
11 on the leg right here, and then it kind of starts  
12 squeezing me and I knew I couldn't go that way for--  
13 --and I took off around the front of the car.

14 INSPECTOR CAGNEY: Okay. And the reason why I  
15 as that is, is we interviewed several people here,  
16 uh, who were not law enforcement folks, and uh, a  
17 couple of the witnesses describe an officer who was  
18 in this general area, and it looked like, they said  
19 that the officer had to jump up on, on the trunk of  
20 one of the cars, to avoid being struck. Does that  
21 sound like something that could have happened? If  
22 you have a recollection of that, and if you don't  
23 know, you don't remember, that's fine, we're just--

24 OFFICER LIEU: Oh, no--

25 INSPECTOR CAGNEY: --we're just trying to see

1 if, if in fact that was you or it was another  
2 officer, or--

3 OFFICER LIEU: Um. It was--I know that I was  
4 the only one in that general area.

5 INSPECTOR CAGNEY: Okay, fair enough.

6 OFFICER LIEU: And I was heading in that  
7 direction. I don't know if I jumped or not. But I  
8 remember--

9 INSPECTOR CAGNEY: Fair.

10 OFFICER LIEU: --feeling something squeeze up  
11 on my legs. And then, I pulled out of there.

12 INSPECTOR CAGNEY: Are you all right?

13 OFFICER LIEU: Yeah.

14 INSPECTOR CAGNEY: I mean, we didn't even ask  
15 that question. Are you okay?

16 OFFICER LIEU: No, I'm fine, thank you.

17 INSPECTOR CAGNEY: You sure? Any bruising or  
18 anything like that.

19 OFFICER LIEU: Uh, no bruising.

20 INSPECTOR CAGNEY: Okay. That is lucky.

21 OFFICER LIEU: Yeah.

22 INSPECTOR CAGNEY: Yeah.

23 INSPECTOR DELAHUNTY: Do you think you  
24 could've jumped on the car?

25 OFFICER LIEU: Um. I may have. I don't know.

1 INSPECTOR DELAHUNTY: Yeah.  
2 OFFICER LIEU: I don't remember.  
3 INSPECTOR DELAHUNTY: Yeah. [laughs]  
4 OFFICER LIEU: I just remember, something's  
5 pitching.  
6 INSPECTOR CAGNEY: You had things on your  
7 mind, obviously, so.  
8 OFFICER LIEU: Yeah.  
9 INSPECTOR DELAHUNTY: Yeah.  
10 INSPECTOR CAGNEY: So, again, because it's  
11 just, we're methodical, step-by-step people, um,  
12 your fine at the car, you get your leg pinned, you  
13 manage to extricate yourself from that. And now, I  
14 think you say you run back to the Crown Vic.  
15 OFFICER LIEU: Right.  
16 INSPECTOR CAGNEY: Is that correct?  
17 OFFICER LIEU: Correct.  
18 INSPECTOR CAGNEY: And then you did something  
19 with your magazine, I think you said?  
20 OFFICER LIEU: I changed it.  
21 INSPECTOR CAGNEY: Okay. Can you see the  
22 other, your partners, at this point, Sergeant Ryan  
23 and Officer Reyes?  
24 OFFICER LIEU: Um.  
25 INSPECTOR CAGNEY: I mean, do you pick them up

1 visually at this point--

2 OFFICER LIEU: Yes.

3 INSPECTOR CAGNEY: --and have a good idea of  
4 where they are and what they're doing?

5 OFFICER LIEU: I, I pick up um, one person,  
6 I'm not sure who it was. I think it was Reyes.  
7 And again, we're over there, we're just giving  
8 orders again, to, you know, show us [REDACTED] hands, show  
9 us [REDACTED] hands. And there was no compliance there.  
10 But at this time, um, I know that the shooting has  
11 already stopped.

12 INSPECTOR CAGNEY: I see. Um. You said  
13 something that I that was interesting, a few  
14 minutes ago, and uh, you said you weren't sure what  
15 [REDACTED] was trying to say. One, at what point did you  
16 see [REDACTED] this is the [REDACTED] that, that was in the car,  
17 speaking or trying to speak? And two, you know,  
18 where in this incident did that occur? You know,  
19 the timeline. And two, any idea what [REDACTED] was trying  
20 to say?

21 OFFICER LIEU: Um. We were all right here.

22 INSPECTOR CAGNEY: Okay.

23 OFFICER LIEU: And I think the window was  
24 open.

25 INSPECTOR CAGNEY: Okay.

1 OFFICER LIEU: Or it was, it was open now.  
2 And um, so when [REDACTED] was speaking, we were, I think  
3 we were at this general area. Taking cover, um, we  
4 were probably possibly like in this area of the  
5 vehicle. 'Cause we wanted to um, get, get  
6 advantage on them.

7 INSPECTOR CAGNEY: Right.

8 OFFICER LIEU: Get point on 'em. And we could  
9 see [REDACTED] mouth moving, I--I wasn't paying attention  
10 to what [REDACTED] was saying.

11 INSPECTOR CAGNEY: Okay.

12 OFFICER LIEU: I was more paying attention to  
13 what [REDACTED] was going to, going to do, 'cause I think  
14 when we were right here, it was a bad positioning,  
15 because the window was, you know, down, and we're  
16 just kind of--

17 INSPECTOR CAGNEY: Right. So--

18 OFFICER LIEU: --face-to-face.

19 INSPECTOR CAGNEY: --[REDACTED] speaking after the  
20 shooting, is I guess--

21 OFFICER LIEU: Correct.

22 INSPECTOR CAGNEY: I see. And you have no  
23 idea what [REDACTED] was trying to say.

24 OFFICER LIEU: No.

25 INSPECTOR CAGNEY: I understand. About how

1 long, and, and you know, we've said this to  
2 everyone we talked to tonight, and it doesn't  
3 matter how many years of service or what kind of  
4 job you do in the Police Department, everybody  
5 behaves, you know, under stress conditions, pretty  
6 much the same. So, when we asked this question and  
7 we know it's a difficult question to answer, time  
8 is very elastic.

9 OFFICER LIEU: Right.

10 INSPECTOR CAGNEY: But from the time you and  
11 your partners started shouting commands at this  
12 [REDACTED] until the shooting stops, I mean, how long do  
13 you think all this took?

14 OFFICER LIEU: It felt like a minute or two.

15 INSPECTOR CAGNEY: Okay.

16 OFFICER LIEU: Yeah.

17 INSPECTOR CAGNEY: And again, um, you know,  
18 you mentioned you weren't sure how many, how many  
19 rounds did he fire. Do you--any clue at all? And  
20 if you don't know, you don't know.

21 OFFICER LIEU: I don't know.

22 INSPECTOR CAGNEY: That's fine. You said that  
23 you dropped a magazine that you had r [REDACTED] Do you  
24 know that if you reloaded and reengaged? Or was it  
25 whatever you shot you shot, and then you did a

1 magazine change and that was the end of it?

2 OFFICER LIEU: I did a uh, I shot what I shot,  
3 and then I changed my magazine.

4 INSPECTOR CAGNEY: Right.

5 OFFICER LIEU: And case, 'cause I had, again,  
6 ■ was not complying again, and my fear was that ■  
7 had a gun.

8 INSPECTOR CAGNEY: Fair enough.

9 OFFICER LIEU: So, I wanted to change my  
10 magazine, I don't want to go ■ during the  
11 firefight. So, I changed my magazine, and just, we  
12 just stood--

13 INSPECTOR CAGNEY: Covering, more or less.

14 OFFICER LIEU: Right.

15 INSPECTOR CAGNEY: I see. So, you, there was,  
16 to your best recollection, you didn't reengage ■  
17 after the first--

18 OFFICER LIEU: No.

19 INSPECTOR CAGNEY: Were you, did you see any  
20 of your partners, Officer Reyes or Sergeant uh, uh,  
21 Ryan, engage, open fire, shoot or do anything like  
22 that?

23 OFFICER LIEU: No--

24 INSPECTOR CAGNEY: With your own two eyes, not  
25 what you might have learned afterwards or--Did you



1 see anybody else?

2 OFFICER LIEU: No.

3 INSPECTOR CAGNEY: Okay. And again, if, just  
4 to absolutely summarize, you know, you're feelings  
5 about this, Sergeant Ryan initially was in danger,  
6 and then you yourself became uh, potentially at  
7 risk with this, this individual's actions.

8 OFFICER LIEU: Correct.

9 INSPECTOR CAGNEY: That's it. Um. Let's see  
10 here. What was the intention um, I mean, I think  
11 we can figure it out, but just in your words, what  
12 was the intention when you, Sergeant Ryan and  
13 Officer Reyes got out of the car and, and walked up  
14 to this [REDACTED] and gave [REDACTED] commands? What was, what  
15 was the plan? What were you guys going to try to  
16 do?

17 OFFICER LIEU: Just arrest [REDACTED] take [REDACTED] into  
18 custody.

19 INSPECTOR CAGNEY: And that was, you know,  
20 what you get paid to do.

21 OFFICER LIEU: Right.

22 INSPECTOR CAGNEY: Right, and you already had  
23 the information about [REDACTED] status in terms of  
24 what crimes [REDACTED] may or may not have committed.

25 OFFICER LIEU: Correct.

1 INSPECTOR CAGNEY: I see. Um. Let's see. I  
2 guess the last part of my part of it, and then my  
3 partner'll probably ask you a couple questions,  
4 and--What happens is one of us does the interview,  
5 kind of does the free, and he kind of cleans it up,  
6 things I miss.

7 OFFICER LIEU: Okay.

8 INSPECTOR CAGNEY: And then, the  
9 representatives of the DA's office usually has a  
10 couple of follow up questions, and your counsel,  
11 too, if that's, that's fine. Um. After [REDACTED]  
12 handcuffed, what do you remember at that point  
13 afterwards?

14 OFFICER LIEU: Um. I remember seeing an  
15 ambulance come up.

16 INSPECTOR CAGNEY: Okay.

17 OFFICER LIEU: Coming up the hill. And um...  
18 kind of dazed at the time.

19 INSPECTOR CAGNEY: Right.

20 OFFICER LIEU: Um.

21 INSPECTOR DELAHUNTY: Did you get any uh, you  
22 know, did you get on the air at that point, or was  
23 it just Sergeant Ryan?

24 OFFICER LIEU: Sergeant Ryan.

25 INSPECTOR DELAHUNTY: Okay.

1 OFFICER LIEU: Um, yeah. Uh, by that, by  
2 then, there were, there was officers about, around.  
3 INSPECTOR CAGNEY: Right.  
4 OFFICER LIEU: Yeah. Uh. Yeah. I wasn't  
5 sure what to do but turn and step back a little  
6 bit.  
7 INSPECTOR CAGNEY: And that, that pretty much  
8 ended it, at least that part of it, for you?  
9 OFFICER LIEU: For the most part, yes.  
10 INSPECTOR CAGNEY: Is there anything that we  
11 didn't ask you that you feel it's important to tell  
12 us now? Or, you know, that you feel that we missed  
13 in terms of questions?  
14 OFFICER LIEU: Um. No.  
15 INSPECTOR CAGNEY: No? All right.  
16 INSPECTOR DELAHUNTY: Do, did this [REDACTED] the  
17 [REDACTED] in the BMW, did [REDACTED] ever acknowledge you at any  
18 time when you were giving him orders?  
19 OFFICER LIEU: Um. When I was looking at [REDACTED]  
20 it didn't look like it, [REDACTED] just [snapped] kept  
21 looking straight.  
22 INSPECTOR DELAHUNTY: [REDACTED] didn't, [REDACTED] didn't  
23 turn right to left or, [REDACTED] just, straight ahead.  
24 OFFICER LIEU: Right.  
25 INSPECTOR DELAHUNTY: Okay. Um. Talked about

1 jumping out of the way. You threw--you didn't want  
2 to go [REDACTED] so took your magazine out. Um. And you  
3 didn't fire any more weapons.

4 OFFICER LIEU: No. I don't, I don't remember  
5 shooting--

6 INSPECTOR DELAHUNTY: Okay. Do you remember  
7 jacking a round?

8 OFFICER LIEU: Oh, yes, I'm sorry, um, when,  
9 when I, when I went [REDACTED] I, when I took the  
10 magazine change, and I popped out my magazine, and  
11 I put in my new magazine, and I noticed that um,  
12 the slide, I wasn't able to, I thought, I think I  
13 thought my, I--may have been [REDACTED] or something, but  
14 I wasn't sure. So, I, I racked one--

15 INSPECTOR DELAHUNTY: You jacked one in.

16 OFFICER LIEU: Yeah.

17 INSPECTOR DELAHUNTY: But you--

18 INSPECTOR CAGNEY: Just to be sure.

19 INSPECTOR DELAHUNTY: Just to be sure. But  
20 then, ended, ended up one came out, right?

21 OFFICER LIEU: Right..

22 INSPECTOR DELAHUNTY: Okay. That's, that's  
23 all I wanted to know. Um, actually, one more. Do  
24 you know, if you know, if you don't know that's  
25 fine, when the [REDACTED] backed up, did [REDACTED] make contact

1 with your police vehicle?

2 OFFICER LIEU: I don't know.

3 INSPECTOR DELAHUNTY: You don't know.

4 OFFICER LIEU: Yeah.

5 INSPECTOR DELAHUNTY: Okay.

6 INSPECTOR CAGNEY: And I have one more, too,

7 if, if you're--

8 INSPECTOR DELAHUNTY: Uh. Okay. Because, and

9 again you may or may not remember this. As [REDACTED]

10 backs up, in this in one fell swoop? [REDACTED]

11 basically backs up, sort of at, well, at Sergeant

12 Ryan, but within one motion, now [REDACTED] car is facing

13 right at you. [REDACTED] not doing, [REDACTED] not going back

14 and forth, [REDACTED] this is just one back up and one

15 reverse; or excuse me, one reverse and one forward,

16 and now [REDACTED] pointed right at you.

17 OFFICER LIEU: Right.

18 INSPECTOR DELAHUNTY: Similar to what you're

19 looking at right here.

20 OFFICER LIEU: Right.

21 INSPECTOR DELAHUNTY: Is that correct?

22 OFFICER LIEU: Correct.

23 INSPECTOR DELAHUNTY: Okay. All right. Yeah,

24 that's, that's all I have.

25 INSPECTOR CAGNEY: And I got one more question

1 for you, and again, you don't need to guess, if you  
2 don't remember it, or somebody else did it. Uh, we  
3 noticed when we were on the scene, Inspector  
4 Delahunty and I, that the, your red light to the  
5 Crown Vic was illuminated to the front. You know,  
6 was in the emergency mode, it was activated. Do  
7 you have any recollection as to how that happened?

8 OFFICER LIEU: No, I don't.

9 INSPECTOR CAGNEY: Okay, so you don't  
10 remember, specifically, activating the red light or  
11 anything like that.

12 OFFICER LIEU: No, I don't.

13 INSPECTOR CAGNEY: And you don't recall if  
14 anybody else did.

15 OFFICER LIEU: No.

16 INSPECTOR CAGNEY: Okay. Well, just so you  
17 know, the red light was on, so.

18 OFFICER LIEU: Oh.

19 INSPECTOR CAGNEY: Yeah, so, maybe just one of  
20 those things.

21 OFFICER LIEU: Okay.

22 INSPECTOR CAGNEY: Okay. Not a problem, we  
23 appreciate it.

24 DAI POSADA: Uh, only question I have is, is  
25 when you mean [REDACTED] you mean an empty, empty gun?

1 OFFICER LIEU: Correct.

2 DAI POSADA: Okay. Uh, and I'll just go  
3 check--

4 INSPECTOR CAGNEY: Sure.

5 DAI POSADA: --with uh, with the DA and see if  
6 they have any more questions.

7 INSPECTOR CAGNEY: Officer Lieu, basically  
8 he's going to step out and consult with the DA for  
9 a minute.

10 OFFICER LIEU: Okay.

11 INSPECTOR CAGNEY: Just in case there was  
12 some, yeah.

13 INSPECTOR DELAHUNTY: Couple minutes.

14 OFFICER LIEU: Okay.

15 INSPECTOR CAGNEY: So.

16 OFFICER LIEU: All right.

17 INSPECTOR CAGNEY: Anyway, you seem like  
18 you're, you're all right?

19 OFFICER LIEU: I'm a little nervous.

20 INSPECTOR CAGNEY: Yeah.

21 INSPECTOR DELAHUNTY: Yeah, hey--

22 INSPECTOR CAGNEY: I mean, we're trying to,  
23 kid gloves, here, you know?

24 OFFICER LIEU: I know. I know.

25 INSPECTOR CAGNEY: This isn't uh, you know,

1 we're just in the fact gathering business, you  
2 know, we don't, we're not passing judgment, we  
3 don't have a position on this.

4 OFFICER LIEU: Right.

5 INSPECTOR CAGNEY: You know, I mean, the  
6 situation seems pretty clear cut, but--

7 OFFICER LIEU: Yeah.

8 INSPECTOR CAGNEY: --you know, we don't know  
9 until we hear it from you guys, so--

10 OFFICER LIEU: Yeah [laughs]

11 INSPECTOR CAGNEY: And that's all it is to it.

12 OFFICER LIEU: Right.

13 INSPECTOR CAGNEY: And we're glad you're okay,  
14 and just, for the record, so.

15 OFFICER LIEU: Thank you.

16 INSPECTOR DELAHUNTY: Hey, do you remember  
17 the, uh, the magazine? Uh, if there was rounds in  
18 it when you took 'em out?

19 OFFICER LIEU: When I dropped it, I don't  
20 remember, I didn't look at it.

21 INSPECTOR DELAHUNTY: Okay.

22 OFFICER LIEU: I just reloaded, but later, um,  
23 I remember seeing both magazines on the, the hood  
24 of the car.

25 INSPECTOR DELAHUNTY: Right.



1 OFFICER LIEU: And one of 'em was, I think  
2 empty, and the other, other one had a round in it.

3 INSPECTOR DELAHUNTY: Okay, so you went  
4 through two.

5 OFFICER LIEU: No, no, no, no, no. I went  
6 through one.

7 INSPECTOR DELAHUNTY: So it was some--you went  
8 through one, so it was somebody else's magazine.

9 OFFICER LIEU: Yes.

10 INSPECTOR DELAHUNTY: Okay. All right.

11 INSPECTOR CAGNEY: Fair enough.

12 INSPECTOR DELAHUNTY: Yeah. 'Cause we saw the  
13 same thing.

14 OFFICER LIEU: Oh, yeah. That's--that was  
15 after, and I don't even know how it got there.

16 [laughs] I, I thought mine's was on the floor.

17 [background noise]

18 DAI POSADA: Officer Lieu, I just have about  
19 three or four questions. Um. And if I can back,  
20 back you up to when the um, the sequence of when  
21 you fired um, the first few rounds or the first  
22 couple of rounds. Um. The vehicle was, was  
23 backing up, the suspect vehicle was backing up.

24 OFFICER LIEU: I believe so, yes.

25 DAI POSADA: Okay, you remember about the

1 angle that you were, was it straight on with the  
2 side of the car? Was it already angling away? Do  
3 you remember? And if you don't remember, you don't  
4 remember.

5 OFFICER LIEU: I don't remember.

6 DAI POSADA: Okay. As the vehicle was backing  
7 up, how far would you say it traveled backwards,  
8 um, out of the stall, before it came forward?

9 OFFICER LIEU: [pause] Um. I don't remember.  
10 I think ... it must've had, I think I saw ... when  
11 [REDACTED] backed up, I think the [REDACTED] was actually like in  
12 front of me. I mean, you know, like a, [REDACTED]  
13 sitting in the car, and, well, my position was,  
14 we're kind of like--

15 DAI POSADA: Sure.

16 OFFICER LIEU: --um--

17 INSPECTOR CAGNEY: Parallel?

18 OFFICER LIEU: Parallel to each other, I  
19 guess.

20 DAI POSADA: Okay. I'm not sure if I, if I  
21 phrased that correctly. So, the car backs up and  
22 is, is basically parallel with the street, to go  
23 forward with the street. Um. How far back would  
24 you say it went? A car length, half a car length?  
25 Uh, more, less? Before it finally started

1 traveling forward.

2 OFFICER LIEU: Um. I can't say for sure. But  
3 I think he almost went the full length of the ...  
4 the car. I mean, [REDACTED] car practically backed all  
5 the way out, I think.

6 DAI POSADA: You mean the full length of the,  
7 of the patrol car? Or, or--

8 OFFICER LIEU: [REDACTED] car.

9 DAI POSADA: Okay.

10 OFFICER LIEU: Um.

11 DAI POSADA: So, would you say it was like a,  
12 basically side-to-side with the patrol vehicle,  
13 before it started moving forward, or a little  
14 further?

15 OFFICER LIEU: Oh, no, it never got to that  
16 point where it was side-to-side. I think it was  
17 um, he was almost, I mean--

18 INSPECTOR CAGNEY: Can we draw a picture, see  
19 if that helps?

20 OFFICER LIEU: Perpendicular.

21 DAI POSADA: Yeah.

22 OFFICER LIEU: Perpendicular.

23 DAI POSADA: Okay.

24 INSPECTOR CAGNEY: I mean, this is a good way  
25 to -- that kind of angle.

1 OFFICER LIEU: Oh. Yeah, um, I think he,  
2 pretty much like this, all the way, all the way  
3 out. Like, like this, because I know he pushed  
4 this car, but he came all the way out, I think.

5 DAI POSADA: And so he, he basically backed  
6 away to about the uh, the rear, [REDACTED] rear, the rear  
7 of [REDACTED] vehicle, to about the rear of the patrol car  
8 before he started moving forward again?

9 OFFICER LIEU: I, I didn't know if they made  
10 contact. I just remember seeing the car back up,  
11 and the car was coming at me, coming forward.

12 DAI POSADA: Okay. Um. And the injury that,  
13 that you um, received, as you were trying to get  
14 out of the way as the vehicle came forward, do you  
15 remember what part of your leg was, was clipped?

16 OFFICER LIEU: Sure. This, this is part of  
17 the stuff, so I was kind of, I was trying to  
18 squeeze this way.

19 DAI POSADA: Okay.

20 OFFICER LIEU: And then I remember just kind  
21 of--

22 DAI POSADA: So your left, left upper thigh--

23 OFFICER LIEU: Yeah.

24 DAI POSADA: --would you say, for a--

25 OFFICER LIEU: I just felt that part--

1       DAI POSADA: Pinched?  
2       OFFICER LIEU: --yeah.  
3       DAI POSADA: You were pinched.  
4       OFFICER LIEU: Yeah.  
5       DAI POSADA: The car, cars were closing in.  
6       OFFICER LIEU: Right.  
7       INSPECTOR CAGNEY: You get a bruise or  
8 anything, you think?  
9       OFFICER LIEU: No, I don't, I don't think so,  
10 it doesn't hurt right now. [laughs]  
11       INSPECTOR CAGNEY: If it does, you need to  
12 tell us.  
13       OFFICER LIEU: Yeah.  
14       INSPECTOR CAGNEY: So you got our cards,  
15 please, okay?  
16       INSPECTOR DELAHUNTY: Yeah.  
17       INSPECTOR CAGNEY: Yeah, it's a big deal.  
18       OFFICER LIEU: Right.  
19       DAI POSADA: I have no other questions.  
20       INSPECTOR CAGNEY: All right, um, I'm going  
21 to--Yeah, oh, I'm sorry, counsel.  
22       INSPECTOR DELAHUNTY: How about you,  
23 counselor?  
24       INSPECTOR CAGNEY: I apologize.  
25       POA PENDERGAST: No questions.

1 INSPECTOR CAGNEY: Uh, it's 13 um, 0100 hours,  
2 on the 8th today.

3 INSPECTOR DELAHUNTY: How about 01--

4 INSPECTOR CAGNEY: What did I say?

5 INSPECTOR DELAHUNTY: 13.

6 INSPECTOR CAGNEY: Oh, yeah, sorry. [laughs]

7 INSPECTOR DELAHUNTY: We're not used to being  
8 up this late. [laughter]

9 INSPECTOR CAGNEY: Oh, well, we're old guys.  
10 We're going to turn in the interview now.

11 [background noise]

12 **END OF DOCUMENT**

1 SGT. NEVIN: Okay, this interview is  
2 regarding IAD Case Number OIS 11-002. It is taking  
3 place at 850 Bryant Street and we are in Room 512.  
4 Today's date is August 4, 2011, and the time is  
5 approximately 1531 hours. Conducting this  
6 interview is Sergeant Mike Nevin, Star 166. The  
7 member being interviewed is—if you can state your  
8 name Albert, and Star Number.

9 OFC. LIEU: Office Albert Lieu, l-i-e-u.  
10 Star 1632.

11 SGT. NEVIN: And could you please state  
12 your current assignment.

13 OFC. LIEU: CIU.

14 SGT. NEVIN: And your date of hire into  
15 the Department?

16 OFC. LIEU: Penal Code § 832.7(a)

17 SGT. NEVIN: Okay. And representing the  
18 officer is?

19 PENDERGAST: Margaret Pendergast.

20 SGT. NEVIN: Okay. And also present is—

21 SGT. FRANCO: Sergeant Christina Franco,  
22 Star Number 1443.

23 SGT. NEVIN: Great. And Officer Lieu have  
24 you—you understand why we're here today?

25 OFC. LIEU: Yes.

1 SGT. NEVIN: Okay. We're going to speak in  
2 terms of—regarding an incident that occurred on  
3 June 7<sup>th</sup> of 2011 regarding an officer involved  
4 shooting. Have you had a chance to read Department  
5 General Order 2.08 regarding Peace Officer rights?

6 OFC. LIEU: Yes.

7 SGT. NEVIN: And have you read Department  
8 General Order 2.01 Rule 21?

9 OFC. LIEU: Yes.

10 SGT. NEVIN: And have you read Government  
11 Code 3303E?

12 OFC. LIEU: Yes.

13 SGT. NEVIN: Okay. And do you understand  
14 that this interview is being digitally recorded?

15 OFC. LIEU: Yes.

16 SGT. NEVIN: Okay. And do to the nature of  
17 this investigation Government Code—because there is  
18 a criminal investigation also associate with this  
19 incident Government Code Section 3303H requires  
20 that I advise you of your right, therefore it's  
21 important that you understand that you have the  
22 right to remain silent, you have—anything you say  
23 could be used against you in court. You have the  
24 right to an attorney before and during any  
25 questioning. With this in mind would you like to  
26 speak to me regarding the incident?



1           OFC. LIEU:           No.

2           SGT. NEVIN:        While you have the right to  
3 remain silent with regard to any criminal  
4 investigation you do not have the right to refuse  
5 to answer my questions administratively. This is an  
6 administrative investigation. I work for the  
7 Internal Affairs Division of the San Francisco  
8 Police Department. I've been designated by the  
9 Chief of Police to conduct this investigation, I'm  
10 therefore ordering you to answer all of my  
11 questions fully and honestly. If you refuse to  
12 answer my questions your silence can be deemed  
13 insubordination and result in administrative  
14 discipline up to and including termination. Any  
15 statement you make under compulsion of this threat  
16 of such discipline is for administrative purposes  
17 only and cannot be used against you criminally.  
18 Your statements and any information gathered today  
19 will be help confidential consistent with  
20 California Penal Code Section 832.7 and information  
21 gathered will not be divulged except as required by  
22 law. Do you wish to speak to me now regarding the  
23 incident?

24          OFC. LIEU:           Yes.

1 SGT. NEVIN: Okay, great. All right  
2 Albert, so you were--were you working on June 7<sup>th</sup>,  
3 2011?  
4 OFC. LIEU: Yes.  
5 SGT. NEVIN: Okay. So I understand that  
6 you've had an opportunity--you've already given a  
7 voluntary statement to Homicide inspectors that are  
8 assigned to this case, is that correct?  
9 OFC. LIEU: Yes.  
10 SGT. NEVIN: Okay. So the purpose of  
11 interview is administrative in nature but I will  
12 ask just to go back over the incident and I  
13 understand that you've already given a statement to  
14 that but I will ask just to go back over that  
15 incident just so we can kind of bring everybody up  
16 to speed. So if you could just tell me about your  
17 assignment that day and how you came to become--how  
18 you became aware that there was a wanted vehicle  
19 and suspect in the area.  
20 OFC. LIEU: On that day I was a  
21 plainclothes officer, 30 Frank 35 Charlie. We were  
22 advised by Sergeant Ryan that there was a  
23 investigation regarding a--that there was an  
24 investigation in the area of Buena Vista East  
25 regarding a stolen vehicle and a bank robber. We

1 responded to the area as support and we parked a  
2 few blocks away.

3 After waiting for a little bit the  
4 surveillance investigation was terminated and we  
5 returned back to our regular duty. At the time we  
6 were told it was a silver BMW parked on Buena Vista  
7 East. The suspect was a white male, around 6' tall,  
8 and that's all the information we got. We returned  
9 back to our regular duty after the primary  
10 investigating unit terminated surveillance and we  
11 knew—we heard that a GPS tracker was placed on the  
12 vehicle.

13 So several—maybe an hour or a couple hours  
14 passed. We were nearby in the area responding to  
15 another gun call which had no merit. We decided  
16 that we should at least know the location of the  
17 vehicle and what type of vehicle it was just so  
18 that in case we needed to respond we had a better  
19 knowledge of what was—what the vehicle and where it  
20 was.

21 So I was the driver that day and I drove to  
22 Buena Vista East and travelled northbound going  
23 towards Haight Street. When we initially passed the  
24 vehicle the sun—or, I thought I saw lights, the  
25 backup, taillights, and I thought I saw someone in

1 the vehicle or I think the sunroof was open or  
2 something caught my attention in the vehicle.

3 We proceeded down Haight, turned around—we  
4 made a U-turn so that we were going southbound  
5 Buena Vista East. The vehicle was parked  
6 perpendicular, parked perpendicular and when we  
7 drove past it we, again, we saw lights and when we  
8 passed it the second time we said let's double-  
9 check. We pulled the car back a little bit and saw  
10 that someone was in the vehicle. Put the car in  
11 park. We jumped out of the vehicle and triangulated  
12 on the vehicle. We announced our presence, gave him  
13 orders to place [REDACTED] hands in the air so we could  
14 see [REDACTED] hands and I don't know how many times we  
15 did so. We kept yelling at it and I remember during  
16 the initial surveillance the first time we were  
17 there they had said that or there was information  
18 given that this individual tried to run down police  
19 officers.

20 So I remember hearing the engine on. I gave  
21 verbal commands for him to turn off the engine and  
22 to show us [REDACTED] hands. After, again, I don't know  
23 how many times I gave him the order, I noticed the  
24 vehicle was backing up towards our vehicle and I  
25 know Sergeant Ryan was in the area of—Sergeant Ryan  
26 was sitting in the front passenger seat and I

1 remember when I got out of the vehicle I saw  
2 Sergeant Ryan in that area. So as the vehicle  
3 backing forward—I mean backing up towards that  
4 vehicle, I thought it was going to hit Sergeant—run  
5 into Sergeant Ryan. I discharged my firearm and the  
6 vehicle continued backing and now he turned  
7 towards, he was—the front of the vehicle was now  
8 southbound, Buena Vista East my direction and he  
9 started coming towards me. I shot the vehicle or I  
10 discharged my firearm and I was trying to get away,  
11 I was trying to—I was trying to get away to the  
12 cars parked—all the vehicles are parked  
13 perpendicular but they're parallel to each other,  
14 and try to squeeze—run through the cars into the  
15 park, in the direction of the park. The vehicle  
16 made contact with the car that it was initially  
17 park next to on the left-hand side. As it made  
18 contact with that vehicle the vehicle started—the  
19 gap between the vehicles started closing and at one  
20 point it squeezed in on my leg. I managed to get  
21 myself out of there and run towards the front of  
22 the vehicle. And I was no—I was not—I was not  
23 shooting at that time and I had a visual of the  
24 suspect and he was, I don't know if he was looking  
25 at me but he was, you know, we were close enough  
26 and I realized that I was in a bad position so I

1 continued to the front of our car on the driver's  
2 side behind the engine block no knowing if he had a  
3 gun. I reloaded. All of us regrouped in that area  
4 and again we gave him verbal commands to show [REDACTED]  
5 hands because we could not see them, [REDACTED] hands were  
6 below the—below the door so we couldn't see into  
7 the vehicle and when additional units, I believe  
8 Sergeant Cain, showed up they—Sergeant Cain,  
9 Officer Reyes—went around the vehicle to the  
10 passenger side of the BMW and at that point they  
11 said [REDACTED] hands are clear, [REDACTED] hands are clear. Then  
12 cautiously we made our way to the driver's side to  
13 try to open the door but was unable to because the  
14 door was locked. And then somehow the door, we  
15 managed to get the door unlocked and open and I  
16 grabbed a hold of the, I don't remember how but I  
17 was able to get hold of [REDACTED] right hand and secure  
18 it and then we later handcuffed him. And then by  
19 that time numerous units were on-scene, an  
20 ambulance showed up real quick.

21 Then at that point after we had the suspect  
22 handcuffed I was taking him away back to the Park  
23 Station.

24 SGT. NEVIN: Okay. Well thank you. That  
25 was very detailed and for the record you have a  
26 sore throat so I appreciate the fact that you're

1 able to give us all that information given your  
2 physical condition now. Could I just—I'll go back  
3 now and just ask some questions about related to  
4 what you just told me. But could you just—the first  
5 thing I want to ask is could you describe any  
6 injuries that you had at the time of the incident  
7 that you either became familiar with right after  
8 the incident or that you became familiar with in  
9 the days that followed the incident?

10       OFC. LIEU:       I noticed a couple days  
11 afterward I noticed that my chest was hurting, I  
12 noticed that there was a bruise in the middle  
13 section right here. I came into Homicide and they  
14 took photographs of the bruise. And there was on  
15 that day where my left leg where is was caught  
16 between the cars there was a, I'm not sure what it  
17 was, but there was a red mark that wasn't there  
18 previously and that was taken.

19       SGT. NEVIN:       On the pants?

20       OFC. LIEU:       Yes.

21       SGT. NEVIN:       Okay, okay I'm going to go  
22 backwards a little bit because these are some  
23 questions I should have asked up front but it's  
24 important that I go through a few of these. How  
25 long have you been in the Department?

26       OFC. LIEU:       A little over seven years.

1 SGT. NEVIN: Okay. And what are your total  
2 years in law enforcement? Same as that?  
3 OFC. LIEU: Seven, yeah.  
4 SGT. NEVIN: You gave me your assignment.  
5 You were in plainclothes on that day.  
6 OFC. LIEU: Yes.  
7 SGT. NEVIN: Can you describe the  
8 equipment that you had with you either on-both on  
9 your person and that was in the car.  
10 OFC. LIEU: I had all my Department stuff  
11 on me.  
12 SGT. NEVIN: Okay, I'll just go through.  
13 You had your Star?  
14 OFC. LIEU: Yes.  
15 SGT. NEVIN: Okay, and where was that  
16 located?  
17 OFC. LIEU: That was worn over my neck and  
18 it was displayed.  
19 SGT. NEVIN: Okay, so you have a chain  
20 that holds your Star.  
21 OFC. LIEU: Yes.  
22 SGT. NEVIN: Your Department issued  
23 firearm.  
24 OFC. LIEU: Yes.  
25 SGT. NEVIN: Okay, is it-is it on your  
26 right side or your left side?



1           OFC. LIEU:           Right side.  
2           SGT. NEVIN:         Are you right-handed?  
3           OFC. LIEU:           Yes.  
4           SGT. NEVIN:         Did you have any other—you  
5 had your handcuffs, Department radio.  
6           OFC. LIEU:           Yes.  
7           SGT. NEVIN:         Extra magazines.  
8           OFC. LIEU:           Two, yes.  
9           SGT. NEVIN:         Two extra magazines. Any  
10 other equipment, police equipment that you had?  
11          OFC. LIEU:           O.C.  
12          SGT. NEVIN:         You had O.C. spray. Chemical  
13 spray.  
14          OFC. LIEU:           Yawara.  
15          SGT. NEVIN:         You had a yawara stick.  
16          OFC. LIEU:           I think that's everything.  
17          SGT. NEVIN:         Okay, great. And was  
18 anything—do you know if there's anything else in  
19 the car related, police equipment that you might  
20 have had in the car?  
21          OFC. LIEU:           We had a computer and a red  
22 light and a siren.  
23          SGT. NEVIN:         Okay, all right. I know who  
24 you were working with that day, you were working  
25 with Sergeant Ryan and Office Rueben Reyes, is that  
26 correct?

1           OFC. LIEU:           Correct.

2           SGT. NEVIN:          And you had your Department

3 issued .40 caliber Sauer?

4           OFC. LIEU:           Yes.

5           SGT. NEVIN:          Do you carry a backup weapon?

6           OFC. LIEU:           No, I do not.

7           SGT. NEVIN:          Was the gun when you went

8 into service that day was it fully loaded? Do you

9 know if you had been, we commonly refer to it as

10 being topped off if you had twelve rounds in the

11 magazine as well as an additional round in the

12 chamber.

13          OFC. LIEU:           Yes.

14          SGT. NEVIN:          Okay. I just want to go back

15 a little bit to about the information you got about

16 the suspect. When you were first told about the

17 suspect and I believe there's a surveillance

18 stakeout type of operation setup, is that correct?

19          OFC. LIEU:           Correct.

20          SGT. NEVIN:          Can you just describe to me

21 what your thoughts of in terms of the suspect what

22 type of suspect it was? A felony suspect, a

23 misdemeanor suspect? What type of suspect was this?

24          OFC. LIEU:           Bank robbery.

25          SGT. NEVIN:          Okay, and what does that mean

26 to you? I know that I know what it means and other

1 people in this room know what it means but just  
2 describe what you know about it a bank robbery  
3 suspect?

4 OFC. LIEU: He was involved in a robbery  
5 or a bank.

6 SGT. NEVIN: Okay. Is that--would you  
7 consider that a serious crime?

8 OFC. LIEU: Yes.

9 SGT. NEVIN: A serious violent crime,  
10 seriously felony violent crime?

11 OFC. LIEU: Yes.

12 SGT. NEVIN: What--and then you also  
13 mentioned other things about this particular  
14 suspect that you became aware of and it had to do  
15 with something--do you remember what you said?

16 OFC. LIEU: I believe what you're asking  
17 is he was--he attempted to run down other officers.

18 SGT. NEVIN: Right. That's what I was  
19 asking. So you've had this information prior to  
20 even having contact with this individual.

21 OFC. LIEU: Yes.

22 SGT. NEVIN: Okay. Do you know--were you  
23 told where those other incidents occurred or do you  
24 have any general vicinity of where that occurred?

25 OFC. LIEU: Southern California.

1 SGT. NEVIN: Southern California, okay  
2 thanks. How long have you worked with both Sergeant  
3 Ryan and Officer Reyes? And if it's a different  
4 timeframe if you can tell me that too?

5 OFC. LIEU: Sergeant Ryan for about three  
6 years and Rueben I believe maybe a year and a half.  
7 Roughly.

8 SGT. NEVIN: And Sergeant Ryan is your  
9 immediate supervisor in this unit that you were in  
10 at the Park Station at the time?

11 OFC. LIEU: Yes.

12 SGT. NEVIN: The three of you-is there  
13 anybody else that works at that time that worked  
14 within your group?

15 OFC. LIEU: I have two other member who  
16 were not there-Officer William Eliff and Officer  
17 Mark Phrase.

18 SGT. NEVIN: Mark, I'm sorry the last-

19 OFC. LIEU: Phrase.

20 SGT. NEVIN: Phrase, okay. And have you  
21 with those officers and on the team if you, were  
22 you involved in making felony arrests over the last  
23 several years that you've worked together?

24 OFC. LIEU: Yes.

25 SGT. NEVIN: Okay. And can you just  
26 describe some of the arrests that you made in terms

1 of if you could describe just some violent crime  
2 arrests that you made as a team working together?  
3 Maybe the types of crimes.

4 OFC. LIEU: Robberies. I was not involved-  
5 I was not there that day but [unintelligible],  
6 violent crimes, assaults, batteries. Narcotics.

7 SGT. NEVIN: Narcotics arrests, okay.  
8 Okay. And prior to contacting the suspect and you  
9 described that you-I understand that you drove down  
10 the street and then you made a U-turn to come back  
11 to the vehicle but prior to contacting him had you-  
12 had you guys discussed in the car any type of  
13 tactical plan or anything or that nature or has any  
14 time during the time that you've all worked  
15 together discussed or had the opportunity to  
16 discuss tactics and things of that nature and how  
17 you would approach handling felony suspects, for  
18 that matter?

19 OFC. LIEU: We never-I don't remember  
20 discussing things but we always practiced  
21 triangulation.

22 SGT. NEVIN: Okay. And you mentioned that  
23 earlier. But you've made other felony arrests with  
24 these officers that you were involved with?

25 OFC. LIEU: Correct.

1 SGT. NEVIN: Okay. Very good. Okay, so  
2 when you spotted the suspect if you can describe  
3 because you did describe at the beginning that you  
4 triangulated the suspect. Do you recall where you  
5 were first located and where your partner officers  
6 may have been located, if you know?

7 OFC. LIEU: I know that when Scott got out  
8 of the car he was towards the rear of the vehicle.

9 SGT. NEVIN: Of which vehicle?

10 OFC. LIEU: The BMW.

11 SGT. NEVIN: Okay. Because it was--okay,  
12 let me just for the record--the vehicle when it was  
13 parked originally it was parked face-in, so if he  
14 was at the rear of the vehicle that would be  
15 closest to where your police car and the street  
16 were located?

17 OFC. LIEU: Yes. So when we stopped and  
18 jumped out of the vehicle Scott was in the rear of  
19 the vehicle area. I took position to the vehicle  
20 that was parked to the left on the driver's side in  
21 the trunk area and I had cover. Rueben I know was  
22 on the other side, I'm not sure where but he was on  
23 the passenger side.

24 SGT. NEVIN: I'll show these photos a  
25 little later but I do have some photos and maybe  
26 when we get the photos you can just mark on that. I

1 just have a couple more questions. What  
2 communication verbal or non-verbal or otherwise was  
3 exchanged between the officers, you in particular  
4 or if you recall other officers as well and the  
5 suspect?

6 OFC. LIEU: It was—I remember giving [REDACTED]  
7 orders to see [REDACTED] hands because I couldn't from  
8 where I was I couldn't see below the door panel.

9 SGT. NEVIN: This is at the beginning of  
10 the incident?

11 OFC. LIEU: Yes. So we gave [REDACTED] verbal  
12 commands. I only could hear myself but I could kind  
13 of hear the background of like what Reuben was  
14 saying. I heard Scott but I couldn't make out what  
15 they were saying. My concentration was on [REDACTED] and I  
16 just gave [REDACTED] verbal commands. I identified who  
17 were are and you know I was like 'Police, Police.  
18 Show me your hands. Show me your hands'.

19 SGT. NEVIN: And when you say that your  
20 couldn't make out what they were saying did it  
21 appear to you or looking back that they were  
22 engaged in conversing with the driver of that  
23 vehicle as well?

24 OFC. LIEU: I believe that they were  
25 giving the same commands.

1 SGT. NEVIN: Okay. Did the suspect say  
2 anything to you?  
3 OFC. LIEU: No.  
4 SGT. NEVIN: Did [REDACTED] make any eye contact  
5 with you?  
6 OFC. LIEU: No.  
7 SGT. NEVIN: Okay. Getting back to the  
8 point that you described earlier, you described  
9 with the suspect I believe you stated [REDACTED] began to  
10 back up and Sergeant Ryan was, you described it, I  
11 believe you said that Sergeant Ryan was in a  
12 location where the suspect's vehicle was coming  
13 towards.  
14 OFC. LIEU: Yes.  
15 SGT. NEVIN: Okay. Can you just describe-  
16 describe that part of the incident again for me and  
17 what you were seeing and what you were feeling at  
18 that time and when you first discharged your  
19 firearm.  
20 OFC. LIEU: Well, I told [REDACTED] to turn off  
21 the engine several times because I remember that [REDACTED]  
22 had tried to run down police officers. So when I  
23 heard the engine on I didn't think it was a good  
24 thing. So I gave [REDACTED] orders then it seemed like  
25 after I gave [REDACTED] the orders then [REDACTED] started backing  
26 the vehicle out towards Sergeant Ryan's direction



1 and I thought ■ was going to try to hit-run down  
2 Sergeant Ryan and at that point I discharged my  
3 firearm.

4 SGT. NEVIN: Okay. And what-do you recall,  
5 do you know, do you recall if you do how many times  
6 you discharged your firearm at that time?

7 OFC. LIEU: No, I do not.

8 SGT. NEVIN: Okay, and do you recall what  
9 your-what your field of fire was or that-your  
10 target.

11 OFC. LIEU: I believe I had-■ was close  
12 enough, in front of me almost.

13 SGT. NEVIN: Okay. Do you have-if you know  
14 and if you don't that's okay-but do you happen to  
15 know how far at this point in this part of the  
16 sequence that the driver or even the vehicle was  
17 from you or from Sergeant Ryan?

18 OFC. LIEU: I don't know how far ■ was  
19 from Sergeant Ryan but I'd say maybe three feet  
20 from me.

21 SGT. NEVIN: Three feet from you, okay.  
22 And then you fired-so this was one sequence of  
23 fire, would that be accurate to say?

24 OFC. LIEU: Correct.

1           SGT. NEVIN:           That would be the--so there  
2 was another sequence of fire and can you describe  
3 that for me.

4           OFC. LIEU:           That's when I saw the vehicle  
5 pointed in my direction and coming towards me.

6           SGT. NEVIN:           And how did you feel at that  
7 time?

8           OFC. LIEU:           I thought [REDACTED] was going to try  
9 to run me--try to run me down at that time.

10          SGT. NEVIN:           Okay. And was it--was it  
11 during this time or right prior to that that you  
12 became, I believe you were describing somewhat  
13 getting pinned in between the vehicles.

14          OFC. LIEU:           I was trying to get away also.

15          SGT. NEVIN:           Okay, so you're trying to  
16 move away and do you recall as you were moving were  
17 you discharging your firearm at that time as well  
18 or had that already happened?

19          OFC. LIEU:           I don't remember which  
20 occurred, I remember shooting as the vehicle was  
21 coming towards me and then I also remember trying  
22 to get away and being pinned, not being squeezed in  
23 by the cars.

24          SGT. NEVIN:           And that's when you got--did  
25 you get squeezed earlier in the incident?

26          OFC. LIEU:           No.

1 SGT. NEVIN: It was at that time?

2 OFC. LIEU: Yes.

3 SGT. NEVIN: And do you recall what you  
4 did to get away from becoming pinned in the cars?

5 OFC. LIEU: Originally I was--so if the  
6 vehicle is facing me and the park is to my left, I  
7 tried going left then the cars started closing in  
8 on my on my leg and I felt it squeezing so I  
9 couldn't--I knew I couldn't leave or get out from  
10 the left side so I pulled my leg out and I went to  
11 my right away from the park and then--and then I ran  
12 to the street and was trying to get to the car and  
13 at that point I had a clear view of the driver and  
14 myself but I was, you know, at this time I don't  
15 know if it's secure or whatnot but I was scared  
16 that ■ might have had a gun so I ran towards the  
17 front of our car to take cover and also reloaded  
18 my--reloaded my gun because I wasn't sure how many  
19 rounds I shot and I just wanted to be prepared if  
20 there was a gunfight.

21 SGT. NEVIN: So we refer to a tactical  
22 reload as a reload where you don't--your weapons  
23 doesn't necessarily fire all the rounds that are in  
24 it at the time, is that the type of reload that you  
25 did?

26 OFC. LIEU: Yes.

1 SGT. NEVIN: Okay. So do you recall that  
2 there being-is it accurate to say that there was  
3 two separate sequence of fires that you were  
4 engaged in?

5 OFC. LIEU: Yes.

6 SGT. NEVIN: Okay. The first one you're  
7 describing a threat to Sergeant Ryan and the second  
8 one a more direct threat to yourself.

9 OFC. LIEU: Correct.

10 SGT. NEVIN: Do you recall at any point  
11 during the incident jumping up on top of any other  
12 vehicle that was in the vicinity?

13 OFC. LIEU: No.

14 SGT. NEVIN: Okay. Let's just-let me just  
15 show you some photos and I numbered them 1-6. If  
16 they don't-if some of them aren't useful that's  
17 fine but the purpose for the photos is just if you  
18 can just point out areas where you recall being or  
19 if this helps you in any way describing what you've  
20 just described to us in terms of where you were  
21 positioned and anything of that nature I can kind  
22 of-they're already numbered so if you want to just  
23 take, maybe just take a look and see if any of them  
24 portray something that helps to put placement. The  
25 purpose for this is for me to get a better sense of  
26 placement, that can include where you were, where

1 your partner officers were, where you ended up. You  
2 were describing an area where you ended up, things  
3 of that nature. You can use my pen and-

4 OFC. LIEU: Okay. So originally the car  
5 was parked perpendicular in this way between this  
6 yellow van and this black vehicle.

7 SGT. NEVIN: That black vehicle I believe  
8 is an Ultima. But that's, I don't expect you to  
9 tell me that I'm just using it for purposes of  
10 identification.

11 OFC. LIEU: So originally when I got out  
12 of the vehicle I took position in this area behind  
13 the bumper of the vehicle.

14 SGT. NEVIN: Okay, if you could just  
15 circle-I understand that what we're looking at is a  
16 picture of when the incident was over so it's not  
17 portraying what you would have seen when you first  
18 got out of the vehicle but if you can mark any area  
19 where you first-

20 OFC. LIEU: I think the vehicle was more  
21 like this.

22 SGT. NEVIN: And am I safe to assume that  
23 this vehicle wasn't touching this other vehicle  
24 when you first-

25 OFC. LIEU: Correct.

26 SGT. NEVIN: Okay, very good.

1           OFC. LIEU:           And the BMW was here. So when  
2 I got out of my vehicle I was in this back area.

3           SGT. NEVIN:           So you were behind the black  
4 vehicle that is immediately if you're looking at  
5 the picture to the left of where the BMW was  
6 initially parked.

7           OFC. LIEU:           Correct. Sergeant Ryan was in  
8 this area and so-

9           SGT. NEVIN:           And Rueben you said you're  
10 not sure exactly where he was.

11          OFC. LIEU:           No.

12          SGT. NEVIN:           Okay.

13          OFC. LIEU:           So I was over here giving [REDACTED]  
14 orders and then [REDACTED] started backing out towards  
15 Sergeant Ryan.

16          SGT. NEVIN:           Do you recall how fast the  
17 vehicle was going at any time during this incident  
18 when it was either backing or going forward do you  
19 recall any of that?

20          OFC. LIEU:           It seemed like slow motion. So  
21 I could [unintelligible]

22          SGT. NEVIN:           But it seemed like slow  
23 motion could also be a perceptual high-stress  
24 aspect to the incident. Would that be-

25          OFC. LIEU:           Yeah.

1 SGT. NEVIN: So you can't answer exactly  
2 how fast the vehicle was going?

3 OFC. LIEU: No, I could not. So-because ■  
4 was going back I discharged my firearm.

5 SGT. NEVIN: If you can-so you marked here  
6 an X if you could just put an R next to it just so  
7 I know that that would be standing for Ryan, is  
8 that okay? And then was this where he was first  
9 located or do you recall or if you recall at all?

10 OFC. LIEU: I don't recall where he was. I  
11 know he was standing there when I came around this  
12 way, when I came from the driver's position to take  
13 position here.

14 SGT. NEVIN: He was in this vicinity?

15 OFC. LIEU: Yes.

16 SGT. NEVIN: Okay.

17 OFC. LIEU: And the vehicle I know backed  
18 up further and then it came forward.

19 SGT. NEVIN: Okay, here's a-so here's a  
20 close-up picture, so the vehicle it backed up, so  
21 where it's positioned now in picture number 1 is  
22 not descriptive obviously of where the vehicle-how  
23 far the vehicle had backed up, is that correct?

24 OFC. LIEU: Correct.

25 SGT. NEVIN: Okay.

1           OFC. LIEU:           It had actually backed up  
2 further to the point where I actually saw like the  
3 whole front end of the vehicle.

4           SGT. NEVIN:          The whole front end of the  
5 suspect vehicle?

6           OFC. LIEU:          Yeah. And that's when I saw  
7 ■ coming at me and I discharged I don't know how-  
8 a couple rounds. I discharged my firearm and at  
9 that point I was trying to get away so-I was trying  
10 to squeeze in between these two cars and when the  
11 vehicle started getting close that's when my leg  
12 got caught here and then I managed to get out and  
13 then I ran-then I ran back this direction.

14          SGT. NEVIN:          Go ahead and just mark, if  
15 you want to just mark your escape route.

16          OFC. LIEU:          Yeah. So I was over there. But  
17 then I couldn't because the car had closed in so  
18 then I ran back this way but I somehow stopped  
19 right there and I had a clear view of the suspect  
20 but it wasn't-I didn't feel safe so, and I ran-

21          SGT. NEVIN:          Because what were you  
22 concerned about?

23          OFC. LIEU:          ■ had a gun so this is a bad  
24 position for-

25          SGT. NEVIN:          Because why?



1           OFC. LIEU:           Because I had no cover. So I  
2 then continued on and took position right here. I  
3 forgot—  
4           SGT. NEVIN:           That position provides you  
5 good cover?  
6           OFC. LIEU:           Yes, behind the engine block  
7 and I remember all of us gathering or regrouping in  
8 this area right here, we kind of—I don't know who  
9 was next to me but we regrouped over there and  
10 later I remember Reuben and Sergeant Cain they went  
11 around this way and they said they had a view of  
12 the driver's hands and said it was clear. So then  
13 we slowly made out way to the driver's side, the  
14 window as open but we couldn't open the door  
15 because it was locked. I don't remember how the  
16 door opened or got unlocked but I remember we were  
17 able to open the door and we were able to—I was  
18 somehow, again I don't remember how, I managed to  
19 get hold of [REDACTED] right hand and I help onto it and I  
20 think it was Reuben and we ended up handcuffing  
21 [REDACTED] And then—  
22           SGT. NEVIN:           When you handcuffed [REDACTED] where  
23 was [REDACTED] handcuffed to?  
24           OFC. LIEU:           To the front, both hands. And  
25 then that's when everyone came and we were kind of

1 pulled back and they [unintelligible] back to the  
2 station.

3 SGT. NEVIN: All right. Did you feel—are  
4 you familiar with General Order 5.02 use of  
5 firearms?

6 OFC. LIEU: Yes.

7 SGT. NEVIN: And are you aware that that  
8 Department General Order was revised in March of  
9 this year?

10 OFC. LIEU: Yes.

11 SGT. NEVIN: Okay. In regards to—we'll  
12 start with Sergeant Ryan, did you—did you believe  
13 that Sergeant Ryan had an apparent way to retreat  
14 or otherwise move to a place of safety at the time  
15 you discharged your firearm?

16 OFC. LIEU: No.

17 SGT. NEVIN: That's a no? I'm sorry.

18 OFC. LIEU: No. No.

19 SGT. NEVIN: Okay. And for when you  
20 discharged your firearm the second sequence of fire  
21 do you believe that you had an apparent way to  
22 retreat or otherwise move to a place of safety?

23 OFC. LIEU: No.

24 SGT. NEVIN: No, okay. Do you recall if  
25 you gave a deadly force warning prior to either  
26 sequence of fire?

1           OFC. LIEU:           No. Because there was no time.  
2           SGT. NEVIN:          Okay, because it evolved-it  
3 was a fast-evolving situation.  
4           OFC. LIEU:           Yes.  
5           SGT. NEVIN:          Did it appear that it was not  
6 feasible?  
7           OFC. LIEU:           It was not.  
8           SGT. NEVIN:          So we described two sequence  
9 of fires. Do you recall how the sequence went? Do  
10 you recall if it was a fast sequence of fire, do  
11 you recall?  
12          OFC. LIEU:           I couldn't answer that.  
13 Everything appeared to be in slow motion.  
14          SGT. NEVIN:          Do you recall if you were  
15 able to acquire your sites?  
16          OFC. LIEU:           No.  
17          SGT. NEVIN:          Do you recall what the  
18 background was?  
19          OFC. LIEU:           No.  
20          SGT. NEVIN:          Your target-I mean, I'm  
21 sorry, what part you were aiming at or where?  
22          OFC. LIEU:           I was aiming towards the  
23 driver's section of the vehicle.  
24          SGT. NEVIN:          Do you recall, was there  
25 anybody else in the vehicle?  
26          OFC. LIEU:           Just only one person.

1           SGT. NEVIN:       Just only one person, okay.  
2   You said that the ambulance had gotten there pretty  
3   quick. Were you still on the scene when the  
4   ambulance arrived?  
5           OFC. LIEU:       Yes.  
6           SGT. NEVIN:       Okay. When you were taken  
7   back to the station do you recall who took you back  
8   to the station?  
9           OFC. LIEU:       Sergeant Cain.  
10          SGT. NEVIN:       Okay. And do you know what a  
11   public safety statement is?  
12          OFC. LIEU:       No.  
13          SGT. NEVIN:       Okay. A public safety  
14   statement would be a statement you would give to  
15   any supervisor after an incident like this prior to  
16   meeting with counsel that would involve statements  
17   related to public safety such as other outstanding  
18   suspects, things of that nature. Do you recall if  
19   you gave any type of public safety statement to  
20   anybody?  
21          OFC. LIEU:       No, I did not.  
22          SGT. NEVIN:       Nobody asked you for one?  
23          OFC. LIEU:       No.  
24          SGT. NEVIN:       Okay. And then were you  
25   separated and monitored after the incident when you  
26   were back at the station?

1           OFC. LIEU:           We were just kept separated.  
2           SGT. NEVIN:           Kept separate, okay. Okay,  
3 you described perceptual—it felt like it was in  
4 slow motion at times.  
5           OFC. LIEU:           Yes.  
6           SGT. NEVIN:           Regarding your training, I  
7 believe looking at your training record you had,  
8 you're familiar with Lieutenant Miller's  
9 plainclothes class?  
10          OFC. LIEU:           Yes.  
11          SGT. NEVIN:           You've taken that training?  
12          OFC. LIEU:           Yes.  
13          SGT. NEVIN:           Is there any other training  
14 regarding, I'm specifically interested in training  
15 regarding like any type of plainclothes training or  
16 35 Car updates that you've taken. I know I could  
17 look that stuff up but anything that comes to mind?  
18          OFC. LIEU:           I took Lieutenant Miller's  
19 plainclothes undercover operation. Whatever that  
20 was called.  
21          SGT. NEVIN:           Yes, I think that's what it  
22 was called.  
23          OFC. LIEU:           And then I guess recently  
24 we've been taking, we have this monthly meeting,  
25 kind of like a training thing.  
26          SGT. NEVIN:           And that's monthly?

1           OFC. LIEU:           Yeah, that was the original. I  
2 don't know what it is now.

3           SGT. NEVIN:        You're assigned to a  
4 different unit now but at the time you were going  
5 to training, plainclothes training monthly?

6           OFC. LIEU:        Yeah, it's something that they  
7 put out. I don't know the specifics of it, all I  
8 know is that you had to be there. It was like a  
9 four-hour or a four to six hour thing on the 6<sup>th</sup>  
10 floor.

11          SGT. NEVIN:        Okay, good. Any other photos  
12 that you see here other than this you've marked  
13 number 1, is there any other one that you see  
14 something that is worth either marking or pointing  
15 something out to us?

16          OFC. LIEU:        No, I don't-

17          SGT. NEVIN:        It's all pretty much covered  
18 in that first one.

19          OFC. LIEU:        Number 1.

20          SGT. NEVIN:        Okay. Christina, do you want  
21 to follow up?

22          SGT. FRANCO:       Just one quick question.  
23 Okay, at the point the car is coming to you you're  
24 saying you had no way out and you see the car  
25 coming towards you. You mentioned earlier that

1 prior to the car coming towards you ■ had gone in  
2 the direction of the Sergeant.

3 OFC. LIEU: Uh-huh.

4 SGT. FRANCO: Were you able to see if the  
5 car had made contact with the Sergeant?

6 OFC. LIEU: No, I did not.

7 SGT. FRANCO: Okay. Did you know where the  
8 Sergeant was at after that point?

9 OFC. LIEU: No, I did not.

10 SGT. FRANCO: How did you feel at that  
11 point?

12 OFC. LIEU: When I saw the car in front of  
13 us it was like oh shit, it's coming at me.

14 SGT. FRANCO: Okay. So now ■ coming at  
15 you. You know ■ went in the direction of the  
16 Sergeant, now ■ coming at you. What did you  
17 think ■ was trying to do with the car?

18 OFC. LIEU: ■ was trying to run me down?

19 SGT. FRANCO: Okay, and how did you feel?

20 OFC. LIEU: I was scared.

21 PENDERGAST: I think that covers it.

22 SGT. NEVIN: Okay. Do you have anything  
23 Albert that you would like to add that hasn't been  
24 asked that you feel would be relevant to this  
25 investigation?

26 OFC. LIEU: No.

1 SGT. NEVIN: Okay. We're going to conclude  
2 this interview and it is 1610 hours.

3  
4 **END OF DOCUMENT**



1 INSPECTOR CAGNEY: Inspector John Cagney, Star  
2 341..  
3 INSPECTOR DELAHUNTY: Brian Delahunty, Star  
4 2103..  
5 INSPECTOR CAGNEY: San Francisco Police  
6 Homicide.  
7 DIA POSADA: Jim Posada, San Francisco DA  
8 Investigations, 7044.  
9 INSPECTOR CAGNEY: Officer?  
10 OFFICER REYES: Uh, Officer Ruben Reyes, uh,  
11 Star 1954.  
12 POS PENDERGAST: Margaret Pendergast,  
13 attorney.  
14 INSPECTOR CAGNEY: And Office Reyes, how long  
15 have you been in the Police Department?  
16 OFFICER REYES: I've been in the Police  
17 Department for about seven-and-a-half years.  
18 INSPECTOR CAGNEY: Okay. And we're going to  
19 be speaking about specifically the incident that  
20 occurred on Buena Vista this afternoon.  
21 OFFICER REYES: Okay.  
22 INSPECTOR CAGNEY: And that's going to be Case  
23 Number 110 460 706, and the date is 6/7/11. And  
24 the time now is, unfortunately, it's 2320 hours.  
25 OFFICER REYES: Okay.

1 INSPECTOR CAGNEY: Um. And you said you've  
2 been in the Police Department for seven years?  
3 OFFICER REYES: Yes. Since [REDACTED].  
4 INSPECTOR CAGNEY: I see. And um, what is  
5 your, was your assignment today?  
6 OFFICER REYES: My assignment, I am uh, my  
7 call sign is 3F35E. I'm part of the Park Station  
8 Plainclothes Street Crimes Unit.  
9 INSPECTOR CAGNEY: I see. And was that your  
10 assignment today, or was that your--  
11 OFFICER REYES: Yes.  
12 INSPECTOR CAGNEY: --assignment that you  
13 normally do?  
14 OFFICER REYES: That, that is my assignment  
15 today, and what I normally do.  
16 INSPECTOR CAGNEY: And how long have you been  
17 working plainclothes?  
18 OFFICER REYES: Uh, since uh, December of '09.  
19 INSPECTOR CAGNEY: '09.  
20 OFFICER REYES: Yeah.  
21 INSPECTOR CAGNEY: And how long you been  
22 assigned to Park Station?  
23 OFFICER REYES: Since um, April of '06.  
24 INSPECTOR CAGNEY: Okay, so it's been several  
25 years?

1 OFFICER REYES: Yeah, yeah.

2 INSPECTOR CAGNEY: Right.

3 OFFICER REYES: Yeah.

4 INSPECTOR CAGNEY: And have you worked a lot  
5 of plainclothes in your career, other than the time  
6 now that you're assigned to 35 car, or is this your  
7 first time in plainclothes?

8 OFFICER REYES: I did spot um, jobs here and  
9 there for some busts, buy busts, but when I joined  
10 in December of '09, is when I, it became fulltime.

11 INSPECTOR CAGNEY: I see. And who were you  
12 working with this evening?

13 OFFICER REYES: Uh, this evening was Sergeant  
14 Scott Ryan and uh, Officer Albert Lieu.

15 INSPECTOR CAGNEY: And are they your regular  
16 partners?

17 OFFICER REYES: Yes.

18 INSPECTOR CAGNEY: And what time did you start  
19 work today?

20 OFFICER REYES: Uh, [REDACTED].

21 INSPECTOR CAGNEY: And did they start working  
22 at [REDACTED], as well?

23 OFFICER REYES: Uh, Albert Lieu uh, for sure  
24 [REDACTED] and I'm not sure when uh, Sarge started. I  
25 believe he had a meeting today.

1 INSPECTOR CAGNEY: Okay.

2 OFFICER REYES: So he may have started a  
3 little bit earlier, but we normally start at [REDACTED]

4 INSPECTOR CAGNEY: And the way you're dressed  
5 right now, is a blue sweatshirt, a blue shirt  
6 underneath it--

7 OFFICER REYES: Yeah.

8 INSPECTOR CAGNEY: --and your, is it blue  
9 jeans, what, tennis shoes.

10 OFFICER REYES: Uh-huh, yes.

11 INSPECTOR CAGNEY: Is this the same attire  
12 that you were dressed in at the time of the  
13 incident today?

14 OFFICER REYES: Today, yes.

15 INSPECTOR CAGNEY: Yes. And what is normal  
16 equipment that you work with? And what was the  
17 equipment that you had today?

18 OFFICER REYES: My si--department issued uh,  
19 sidearm, two magazines, my radio, my star, my uh,  
20 department issued uh, mace, OC, knife, pen, cuff  
21 key, handcuffs. [pause] I had my hat on. Uh. I  
22 think that, that covers it.

23 INSPECTOR CAGNEY: Then this is your, this is  
24 your standard equipment that I assume you go with  
25 every day.

1 OFFICER REYES: Yeah, yes.

2 INSPECTOR CAGNEY: I understand. Um, and what  
3 was it today? Did you have a briefing or were you  
4 given some information about what your duties were  
5 today when you started today?

6 OFFICER REYES: Yes, I was notified by uh,  
7 Sergeant Ryan, that uh, once we got in and put on  
8 our gear, that we needed to go to the area um. And  
9 if memory serves me he said, "Buena Vista East and  
10 Haight," that area.

11 INSPECTOR CAGNEY: Okay.

12 OFFICER REYES: But before we moved out, to  
13 give him a call. Um. And so, when I called him,  
14 when we were on our way to that general area, I  
15 called Sergeant Ryan, and just to see what our uh,  
16 our duty was. He informed me that uh, there was a  
17 vehicle that was being uh, under surveillance, um.  
18 And if memory serves me he said it was a stolen  
19 vehicle, a gray or silverish BMW with a uh, [REDACTED]  
20 [REDACTED] that is suspected to be involved in some bank  
21 robberies in Los Angeles. Um. And then, he  
22 figured out that a good spot for us to be, uh,  
23 would be, uh, at the intersection of Divisadero and  
24 Duboce. So, from Park Station, we were on our way  
25 to that general area. He told me the information,

1 I just provided to you. And then we went to  
2 Divisadero and Duboce.

3 INSPECTOR CAGNEY: Officer Reyes, you said  
4 "we." Could you elaborate a little bit who that,  
5 there's another individual with you, another  
6 officer, I assume?

7 OFFICER REYES: Yes, um--

8 INSPECTOR CAGNEY: And who would that be?

9 OFFICER REYES: Officer Albert Lieu.

10 INSPECTOR CAGNEY: Okay.

11 OFFICER REYES: Yeah.

12 INSPECTOR CAGNEY: And so Sergeant Ryan  
13 initially when you responded out to Buena Vista, or  
14 in the immediate area, was not in your vehicle.

15 OFFICER REYES: He was in another vehicle at  
16 that time.

17 INSPECTOR CAGNEY: Did you respond immediately  
18 when you began your, your shift today, out to Buena  
19 Vista, or did you stop, you know, somewhere? Did  
20 you have other police duties prior to, to  
21 responding, or was that the first thing you did for  
22 the day?

23 OFFICER REYES: That was, that was first  
24 thing. So just to give you a visual--

25 INSPECTOR CAGNEY: Right.

1 OFFICER REYES: --got to the station, went to  
2 the office, changed, got in our car, called uh,  
3 Sergeant Ryan, and then we went to uh, got the  
4 information, and then he said, "Hey, Duboce and--  
5 Divisadero and Duboce would be a good spot to just  
6 be the, the assistance." 'Cause there were some--

7 INSPECTOR CAGNEY: I got you.

8 OFFICER REYES: --there were other units  
9 already there.

10 INSPECTOR CAGNEY: Were you briefed as to who  
11 was out here already?

12 OFFICER REYES: Um. The, specifically, I  
13 can't think of names, but I do, I do remember that  
14 he said there were other units that were in the  
15 area, and that we were just, we were to provide  
16 support.

17 INSPECTOR CAGNEY: Kind of like a perimeter  
18 thing.

19 OFFICER REYES: Yeah, that's exactly, if,  
20 yeah, Divisadero and Duboce is, we would've had to  
21 have to gone up I believe two blocks before we hit  
22 Buena Vista East and then go down, and then go  
23 [unintelligible]

24 INSPECTOR CAGNEY: Right. So you were a  
25 little bit on the outside.

1 INSPECTOR DELAHUNTY: That's a long way away.  
2 OFFICER REYES: So, yes, so, but he figured,  
3 he didn't want our Crown Vic to be--  
4 INSPECTOR CAGNEY: Crowding it.  
5 OFFICER REYES: Right, so--  
6 INSPECTOR CAGNEY: Yeah.  
7 OFFICER REYES: --he figured that'd be a good  
8 spot for the time being.  
9 INSPECTOR CAGNEY: Were you given any specific  
10 instructions prior to this incident, as to what  
11 your duties were going to be, other than being in  
12 the area?  
13 OFFICER REYES: Uh. No, just--  
14 INSPECTOR CAGNEY: Surveillance or--  
15 OFFICER REYES: --just go to um, uh,  
16 Divisadero and Duboce and our radio channel was B-  
17 1-6, B16.  
18 INSPECTOR CAGNEY: Just basically be ready  
19 for, for whatever.  
20 OFFICER REYES: Yeah, just listen up and see  
21 what's, what's going on.  
22 INSPECTOR CAGNEY: And, and taking you back a  
23 little bit to the briefing, I understand it was  
24 Sergeant Ryan that gave you all the information  
25 about, you know, the who, the what and the where.



1 Is that correct?

2 OFFICER REYES: Mm-hmm, that is correct.

3 INSPECTOR CAGNEY: And he mentioned a bank  
4 robbery, he mentioned a vehicle, and he mentioned  
5 Los Angeles to you?

6 OFFICER REYES: Yes.

7 INSPECTOR CAGNEY: Did he mention anything  
8 about the individual being armed, or I mean bank  
9 robberies obviously inherently are violent crimes,  
10 but--

11 OFFICER REYES: Um.

12 INSPECTOR CAGNEY: --was there any specific  
13 mention of, of weapons or, or potential for  
14 violence.

15 OFFICER REYES: The--

16 INSPECTOR CAGNEY: If you remember.

17 OFFICER REYES: Uh, the answer is yes, um, it,  
18 I do remember him saying that uh, this uh,  
19 individual and this car uh, was involved in a uh,  
20 used uh, possibly run over a deputy in Los Angeles.  
21 So.

22 INSPECTOR CAGNEY: Oh, okay, so you were aware  
23 of that.

24 OFFICER REYES: Yeah, we were aware of that,  
25 and--that, plus the fact that it is a bank robbery-

1

-

2

INSPECTOR CAGNEY: Sure.

3

4

5

OFFICER REYES: --so just adds to the violent nature of the, of the potential of this car and this suspect.

6

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INSPECTOR CAGNEY: I understand. And you're doing great, by the way, and I appreciate your clear answers. So, taking you back to the scene now, you're kind of in the perimeter, you say Duboce and Divisadero.

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OFFICER REYES: Yes.

INSPECTOR CAGNEY: Monitoring the radio.

OFFICER REYES: Yes.

INSPECTOR CAGNEY: Kind of take us from that, that step forward, to what happens after that.

OFFICER REYES: Uh. Once we got there, um, I believe I sent um, Scott a text just saying we're, we're uh, 97 at Duboce and uh, Divisadero. And then I believe his reply was, "Great," and then we were just monitoring the radio. Myself and Al Lieu.

22

23

24

25

INSPECTOR CAGNEY: Okay. And then?

OFFICER REYES: And then we waited, and then we waited. And I believe the person who was sort of uh, directing the, the surveillance, I can't

10

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1 remember his name.

2 INSPECTOR CAGNEY: It's not a big deal, if you  
3 don't, so.

4 OFFICER REYES: But on the radio, basically  
5 it's like, "Okay, we're going to give this till uh,  
6 I believe it's, uh, 1500, we're going to, you know,  
7 give it till 3:00 o'clock. And then um, they were  
8 going to, I believe, [REDACTED].

9 And then we were all going to just be 10-8. Or  
10 just get back, back into service. And I believe  
11 3:00 o'clock came, and at that point I, yeah I sent  
12 Scott a text saying, "Hey, do you want us to hang  
13 out here, or do you want us to just meet at the  
14 station." And then, he said to go back to the  
15 station. So, from that point, Divisadero and  
16 Duboce, we drove back to Park Station, and to wait  
17 for Scott Ryan.

18 INSPECTOR CAGNEY: And this is you and Officer  
19 Lieu again.

20 OFFICER REYES: Yes, we're, yes.

21 INSPECTOR CAGNEY: So you never, at this  
22 point, and again I don't want to put words in your  
23 mouth, but you never actually saw the car that was  
24 being surveilled--

25 OFFICER REYES: No.

1 INSPECTOR CAGNEY: --you didn't learn anything  
2 more than what you already had been briefed upon.

3 OFFICER REYES: That is correct.

4 INSPECTOR CAGNEY: And uh, as far as you know,  
5 your assignment was complete at that point.

6 OFFICER REYES: At that point, from what I  
7 heard on the radio, to go back to Park Station was  
8 the [tractor] was going to be on, and then all we  
9 did is we took a kind of way around route back to  
10 Park Station. We never went onto Buena Vista East.

11 INSPECTOR CAGNEY: And I apologize, uh, we're  
12 supposed to, I told you what we're going to do, and  
13 then I didn't do what I said we were going to do.  
14 I need your date of birth and your Star Number.

15 OFFICER REYES: My date of birth?

16 INSPECTOR CAGNEY: Yeah.

17 OFFICER REYES: Uh, [REDACTED]

18 INSPECTOR CAGNEY: Okay.

19 OFFICER REYES: And my Star Number is 1954.

20 INSPECTOR CAGNEY: Okay, I appreciate it, I'm  
21 sorry I didn't get that, I didn't mean to break the  
22 narrative there.

23 OFFICER REYES: It's okay.

24 INSPECTOR CAGNEY: So you go back to Park  
25 Station, and you meet with Sergeant Ryan, you and

1 Officer Lieu.

2 OFFICER REYES: Yeah. And then, um, we, we  
3 met there. And then from that point on, uh, I  
4 believe we just patrolled at that point, not  
5 related to--

6 INSPECTOR CAGNEY: Your regular duties.

7 OFFICER REYES: Yeah, exactly. Um. We just  
8 got in the car. I think--I think we went to  
9 Northern Station, actually, Scott needed a, I'm not  
10 sure what he did there, actually. But we did go to  
11 Northern Station.

12 INSPECTOR DELAHUNTY: And you guys are all  
13 together now?

14 OFFICER REYES: Yes, Albert Lieu was driving,  
15 Scott Ryan's in the front passenger seat, and I'm  
16 sitting directly behind Al Lieu. And then, so went  
17 to Northern Station. Uh. I think, you know what,  
18 I think it had something to do with, I think we  
19 were going to borrow their li-rec, license plate  
20 recognition vehicle.

21 INSPECTOR CAGNEY: Okay.

22 OFFICER REYES: And I think that's what it  
23 involved, that's right. Um. So we got that  
24 squared away. Got back in the car, all three of  
25 us, the same positions. And then we drove. Oh,

1    yeah, and then right when we were leaving, I think  
2    there was a Code 33.

3            INSPECTOR CAGNEY:    Okay.

4            OFFICER REYES:    At Northern Station, that's  
5    right. I guess there was a, a 217, in the  
6    Southern, I think. And then someone, somehow--

7            INSPECTOR CAGNEY:    We're, we're quite familiar  
8    with it.

9            OFFICER REYES:    Okay.

10           INSPECTOR CAGNEY:    [laughs]

11           INSPECTOR DELAHUNTY:    Yeah, we thought that  
12    was going to be our case, yeah.

13           OFFICER REYES:    That's right, 'cause I  
14    remember this 217, and then some way the Northern  
15    guys got in on a bust.

16           INSPECTOR CAGNEY:    Was a coup--couple guns,  
17    yeah.

18           OFFICER REYES:    Yeah, yeah, that's exactly  
19    right.

20           INSPECTOR CAGNEY:    We heard, and we heard  
21    that.

22           OFFICER REYES:    And there was a bust, and we,  
23    and we were close, and I remember we were about to  
24    make our, it was a Code 33, and then like 30  
25    seconds later, or I don't know how long it was but,

1 shortly thereafter there was a Code 4. We got one  
2 221, we got, I think they had five detained. Or  
3 something to that effect.

4 INSPECTOR CAGNEY: So you guys gave 'em hand  
5 with that.

6 OFFICER REYES: Well, we were, we were on our  
7 way--

8 INSPECTOR CAGNEY: Right.

9 OFFICER REYES: --but that was Code 4. And  
10 then, I believe, shortly thereafter that, there was  
11 a brandishing of a gun, where was that, Parnassus,  
12 right after that.

13 INSPECTOR CAGNEY: Kind of a busy day.

14 OFFICER REYES: Yeah, so then at that point,  
15 we kind of hightailed--Well, we just worked our  
16 way, well, we went back to where we--we only  
17 visited, I think. I mean, we're tur--working out  
18 way up to uh, Parnassus, that brandishing call.  
19 And then, we, I think Scott put us on it, and I  
20 think a unit, and in fact I think it was the--the  
21 14D, had pulled over the car in question. So we  
22 backed them up, and then we got out, and then we  
23 assisted. And again it was all three of us, Albert  
24 Lieu, Scott and myself. And uh, we, we helped with  
25 the searching he car. And I believe there was no

1 merit to the 221.

2 INSPECTOR CAGNEY: Just--kind of like a  
3 suspicious car kind of thing.

4 OFFICER REYES: Yeah, yeah.

5 INSPECTOR CAGNEY: Gotcha.

6 OFFICER REYES: Um. And then at that point, I  
7 remember um, I believe Scott was giving uh, spoke  
8 to Lieutenant Solomon about the, what we were doing  
9 here at Buena Vista East, prior--

10 INSPECTOR CAGNEY: And he's the Watch  
11 Commander at Park Station?

12 OFFICER REYES: Yeah, yeah.

13 INSPECTOR CAGNEY: Okay.

14 OFFICER REYES: If I remember correctly,  
15 that's, they, they briefly talked about it, 'cause  
16 I was on the other side, um, on the sidewalk. And  
17 then um--

18 INSPECTOR CAGNEY: So you're kind of  
19 describing a conversation between Sergeant Ryan and  
20 Lieutenant Solomon?

21 OFFICER REYES: Yeah, I believe that's what  
22 they were talking about.

23 INSPECTOR CAGNEY: Okay.

24 OFFICER REYES: Um. Yeah, I'm pretty sure  
25 that's what they were talking about. Because when



1 we got back in, um, same seating position, Al was  
2 driving, Scott was front passenger, and I was in  
3 the back. And we were relatively close to Buena  
4 Vista East, if we took Roosevelt. It was like,  
5 "Hey, let's go look at the car, see if it's there,"  
6 because myself and Al had never seen it. I'm, I'm  
7 not sure if Scott did or not. But we didn't see  
8 the car, and I thought it'd be a good idea to get a  
9 visual on the car, just to see--

10 INSPECTOR CAGNEY: Future reference.

11 OFFICER REYES: Yeah, just, 'cause we'd never  
12 seen it.

13 INSPECTOR CAGNEY: Sure.

14 OFFICER REYES: All we did, from Park Station  
15 to Divisadero and Duboce. So, we, we just worked  
16 our way over to uh, Buena Vista East, and uh, once  
17 we got on this street, uh, we were going to--

18 INSPECTOR CAGNEY: Referring to Buena Vista  
19 East?

20 OFFICER REYES: Yeah.

21 INSPECTOR CAGNEY: Okay.

22 OFFICER REYES: We, well yeah, once we got to  
23 this, I think it's Buena Vista East or Duboce,  
24 there's a stop sign there, we started going down.

25 INSPECTOR CAGNEY: So you're coming down the

1 hill.

2 OFFICER REYES: We're coming down the hill and  
3 looking for, and what I remember is that uh, the  
4 other piece of information is that Scott knew that  
5 there was some reference to a yellow uh--

6 INSPECTOR DELAHUNTY: Van.

7 OFFICER REYES: --van. Um. And so I  
8 remember, when we were going down, I was just  
9 looking for a yellow van, 'cause I knew the car  
10 would be right there.

11 INSPECTOR CAGNEY: Sure.

12 OFFICER REYES: And so as we were driving  
13 down, I saw the yellow van, I go, "Oh, there goes a  
14 car," so I'm looking for the, the BMW. And then I  
15 saw the car, and then we just drove by, um, going  
16 down the hill.

17 INSPECTOR CAGNEY: Towards Haight?

18 OFFICER REYES: Towards Haight.

19 INSPECTOR CAGNEY: Right.

20 OFFICER REYES: And then at that point, I  
21 didn't see anything, but I remember Al saying,  
22 "Hey, I think I saw brake lights on. Or maybe the  
23 rooftop open," something caught [REDACTED] attention.

24 INSPECTOR CAGNEY: Okay.

25 OFFICER REYES: And I remember saying, "I

1 didn't see anything, but if you saw something,  
2 let's just do a U-turn and just see what's up."

3 INSPECTOR CAGNEY: I see.

4 OFFICER REYES: Um.

5 INSPECTOR CAGNEY: Had you made it all the way  
6 down to Haight Street yet?

7 OFFICER REYES: Yeah, mm-hmm.

8 INSPECTOR CAGNEY: Okay, you were down on  
9 Haight Street.

10 OFFICER REYES: Yeah, we had to make a, a, the  
11 U-turn on Haight.

12 INSPECTOR CAGNEY: Okay.

13 OFFICER REYES: And then worked our way up.

14 INSPECTOR CAGNEY: Right. So, now, you're,  
15 you're working southbound again.

16 OFFICER REYES: Mm-hmm, southbound--

17 INSPECTOR CAGNEY: I see.

18 OFFICER REYES: --on Buena Vista East. And  
19 then at that point, we're driving up, and then at  
20 that point, I remember seeing some movement uh, in  
21 the BMW, um. And the other thing I just remembered  
22 about the, distinctive about the BMW, was that it  
23 was [REDACTED] with blue wri--uh, blue, yeah,  
24 blue lettering. And then when I, when we drove by,  
25 I saw that, and I saw the movement on the driver's

1 side. And then, that's when uh, I believe Scott  
2 may have said, "Stop, stop the car," or something  
3 to that effect, with the car stopped. And then at  
4 that point, um, uh, Officer Lieu got out of the  
5 front uh--

6 INSPECTOR CAGNEY: He's driving.

7 OFFICER REYES: He's driving past, so, he,  
8 yeah, he got out of the front driver's side, I got  
9 out of my side, and we worked our way around our  
10 car and positioned our, to triangulate on the, you  
11 know, driver's side of the BMW. I was on the, on  
12 the right hand side, and Al was on the left hand  
13 side, with Scott being right there. Or, or he  
14 opened his--

15 INSPECTOR DELAHUNTY: Door?

16 OFFICER REYES: --door, and he just stood  
17 there, right behind the BMW.

18 INSPECTOR CAGNEY: So, I guess, it's kind of  
19 hard to say, but you know, what's the best picture  
20 to kind of show us, you know, in terms of where  
21 everybody was standing? At least initially.

22 OFFICER REYES: Probably--

23 INSPECTOR CAGNEY: You know, just, just, let's  
24 just stop it where you guys get out of the car.  
25 And then we can walk our way through the rest of

1 it.

2 OFFICER REYES: I'll say let's use this one.

3 INSPECTOR CAGNEY: Okay. Do we have separate  
4 clean copies for everything? What I'm going to do,  
5 Officer Reyes, is I'm going to number these. I'm  
6 going to number--

7 OFFICER REYES: Yeah.

8 INSPECTOR CAGNEY: --this one number one. And  
9 this'll just be for our reference. So, you know,  
10 we can refer to the photographs as we continue. I  
11 need a [unintelligible] yeah. I'll make this  
12 three. I mean, just so we can easily refer to 'em.  
13 And we can go as you narrate this, you can just go  
14 ahead and point out things that might be of interest  
15 to us, or to try to explain yourself a little bit.  
16 So, number one, photograph, and you say, now,  
17 obviously the car isn't here.

18 OFFICER REYES: Mm-hmm.

19 INSPECTOR CAGNEY: But your car, I guess, does  
20 it pretty much remain stationary throughout the  
21 entire incident?

22 OFFICER REYES: It may have moved, but--

23 INSPECTOR CAGNEY: Okay.

24 OFFICER REYES: --'cause [REDACTED] definitely uh,  
25 [REDACTED] definitely uh, hit--

1 INSPECTOR DELAHUNTY: Backed up.  
2 OFFICER REYES: Yeah, backed up and hit that  
3 door.  
4 INSPECTOR CAGNEY: Okay, but we'll--  
5 OFFICER REYES: But generally--  
6 INSPECTOR CAGNEY: Yeah, tell us generally  
7 about--just, just when you guys jump out of the  
8 car, if that's what happened.  
9 OFFICER REYES: Um, if memory serves me, Al  
10 gets out of the of the driver's side.  
11 INSPECTOR CAGNEY: Okay, he's out, he's out of  
12 the front.  
13 OFFICER REYES: And he comes to the front of  
14 the car.  
15 INSPECTOR CAGNEY: To the police car.  
16 OFFICER REYES: Yeah, he's just, he's working  
17 his way around this car.  
18 INSPECTOR CAGNEY: And let's just assume that  
19 this is the BMW at this point.  
20 OFFICER REYES: Yeah.  
21 INSPECTOR CAGNEY: So, he's probably to the  
22 rear of the BMW--  
23 OFFICER REYES: Yeah.  
24 INSPECTOR CAGNEY: --if I'm hearing this  
25 correctly.

1 OFFICER REYES: That is correct.  
2 INSPECTOR CAGNEY: Okay.  
3 OFFICER REYES: Between this vehicle and the  
4 BMW.  
5 INSPECTOR CAGNEY: Okay, I see. So he's  
6 actually between the two cars or close?  
7 OFFICER REYES: I would say he's probably in  
8 front of our car.  
9 INSPECTOR CAGNEY: I see.  
10 OFFICER REYES: And so I worked my way around  
11 our car--  
12 INSPECTOR CAGNEY: Okay, you're to the rear.  
13 OFFICER REYES: And I'm coming, and we're  
14 triangulating.  
15 INSPECTOR CAGNEY: So, on either side of the  
16 BMW, as it's parked up on the curb.  
17 OFFICER REYES: Yeah.  
18 INSPECTOR CAGNEY: Okay. I understand. And  
19 where's Sergeant Ryan?  
20 OFFICER REYES: Um. He opens this door, so  
21 again the car, this car's not there. I mean, it's  
22 right--  
23 INSPECTOR CAGNEY: Right, no, we understand,  
24 yeah.  
25 INSPECTOR DELAHUNTY: It's parked--

1 OFFICER REYES: So, it's parked, so he opens  
2 the door, and he's standing right there.

3 INSPECTOR CAGNEY: So, basically, you have--

4 OFFICER REYES: Right.

5 INSPECTOR CAGNEY: --Officer Lieu on one side--

6 -

7 OFFICER REYES: Yeah.

8 INSPECTOR CAGNEY: --Officer Reyes, you, on  
9 the other--

10 OFFICER REYES: Uh-huh.

11 INSPECTOR CAGNEY: --and then you have  
12 Sergeant Ryan to the rear or to the side of his  
13 police car.

14 OFFICER REYES: To the rear of the--

15 INSPECTOR CAGNEY: So you're basically in an  
16 arc around the car.

17 OFFICER REYES: Yeah.

18 INSPECTOR CAGNEY: Okay. Is that fair? I  
19 mean, I--

20 OFFICER REYES: That's fair, that's fair,  
21 that's what I remember, because when I, when I got  
22 out of my car, I worked my way around, I took my  
23 uh, handgun out of my holster, and I started  
24 working my way. And I, and I do remember we were  
25 carefully kind of going up, because we knew there



1 was somebody in there, but we just didn't know what  
2 ■ was doing, or, or what was going on.

3 INSPECTOR CAGNEY: Right.

4 OFFICER REYES: So, now that we're here and  
5 Scott's behind the--

6 INSPECTOR CAGNEY: Right.

7 OFFICER REYES: --BMW, we get closer, and then  
8 I remember identifying ourselves, and the both of  
9 us just yelling, "San Francisco Police Department,"  
10 Well, I know what I was yelling, "San Francisco  
11 Police Department, put your hands on the steering  
12 wheel right now, put your hands on the steering  
13 wheel, put your hands on the steering wheel." Um.  
14 I don't know how many times I said it. Um. And I  
15 believe, because I remember he was saying the same  
16 thing. Well, he was yelling similar--

17 INSPECTOR CAGNEY: When you say "he"--

18 OFFICER REYES: Officer Lieu, Al Lieu.

19 INSPECTOR CAGNEY: Okay, okay.

20 OFFICER REYES: Was yelling, or uh, ordering,  
21 similar. Maybe he wasn't saying what I was saying,  
22 but he was definitely identifying himself and, you  
23 know, "Throw out the keys to the ignition" or  
24 something, something--

25 INSPECTOR CAGNEY: No doubt that he's making

1 commands.

2 OFFICER REYES: Yes.

3 INSPECTOR CAGNEY: I see.

4 OFFICER REYES: And then--

5 INSPECTOR CAGNEY: And does he have his weapon  
6 out? If you saw, if you didn't you didn't.

7 OFFICER REYES: Uh, I, I didn't, well, at that  
8 point, I know that I was just looking at the, as  
9 I'm approaching to the vehicle, I'm looking at uh,  
10 the, the suspect.

11 INSPECTOR CAGNEY: So, you're attention's--

12 OFFICER REYES: Yeah, I'm looking at [REDACTED] and  
13 I'm giving--right when I got, you know,  
14 identifying, put your hands, my focus was making  
15 sure that no sudden movements, either to Al, or to  
16 myself, and I wanted those hands on the steering  
17 wheel.

18 INSPECTOR DELAHUNTY: Let me just interject.  
19 Did, were you looking down the passenger side of  
20 the BMW? Were you--

21 OFFICER REYES: Yeah, like the, you mean like  
22 through the back, as I'm coming closer?

23 INSPECTOR DELAHUNTY: Yeah, but, I mean,  
24 literally, are you on the, like the car line of the  
25 BMW? I mean, you're looking, you know, looking,

1 the car, say the car's parked right here.

2 OFFICER REYES: Yes.

3 INSPECTOR DELAHUNTY: You're looking right  
4 down in between the van--

5 OFFICER REYES: Yeah.

6 INSPECTOR DELAHUNTY: --and the BMW.

7 OFFICER REYES: I think at that point, I was  
8 at the, maybe the trunk of the BMW, as I'm walking  
9 closer, and the van's right here.

10 INSPECTOR CAGNEY: Okay. And you're giving  
11 commands.

12 OFFICER REYES: Yes.

13 INSPECTOR CAGNEY: And you have your weapon  
14 out.

15 OFFICER REYES: Yes.

16 INSPECTOR CAGNEY: How about your star?

17 OFFICER REYES: Um. I believe so. I mean, it  
18 hap--uh, I believe so. I, generally, hold on, I  
19 got out of the car. I think so. Because I  
20 normally, if I do something like this, I normally  
21 just put my zipper down, grab, you know, grab this  
22 and I usually, you know, do that.

23 INSPECTOR CAGNEY: Fair enough, fair enough.

24 OFFICER REYES: Um. And by that, I just meant  
25 grab my star, pull it out, and make sure that it's

1 outside my [unintelligible]

2 INSPECTOR CAGNEY: And you, you can hear  
3 Officer Lieu making commands, but you don't know  
4 what exactly he's doing, 'cause he's not directly  
5 in your, your, he's in your peripheral vision or  
6 not in your vision at all?

7 OFFICER REYES: Yeah, no, I would say that  
8 seeing him, but I can hear, 'cause I would say,  
9 "Put your hands on the, uh, steering wheel, put  
10 your hands on the steering wheel." Then I, you  
11 know, obviously stop and look, and then I can hear  
12 him saying something, too, you know, "San Francisco  
13 Police," um, I think he said something about keys.  
14 For whatever reason, I'm thinking keys. But--

15 INSPECTOR CAGNEY: That's fine.

16 OFFICER REYES: Um.

17 INSPECTOR CAGNEY: What about Sergeant Ryan,  
18 if you know.

19 OFFICER REYES: Uh, he was behind. I knew  
20 that he was right behind the car. Um. I'm not  
21 sure if he said anything at that point.

22 INSPECTOR CAGNEY: Okay, that's fair enough.  
23 So, we'll take you right back to you kind of moving  
24 up on the passenger side. And your partner,  
25 Officer Lieu, is on the driver's side. And you're

1 not sure where Sergeant Ryan is. Well--

2 OFFICER REYES: Well, I know where he is, I  
3 just don't know if he's yelling commands.

4 INSPECTOR CAGNEY: Oh, fair enough. What  
5 happens next?

6 OFFICER REYES: Um. So, we're, we're giving  
7 our orders, "Put your hands on the steering wheel,"  
8 and then what I do remember, pretty vividly, is  
9 that um, I made eye contact with the suspect. And  
10 when I mean that is ■■■, I believe ■■■ hands were on  
11 ■■■ uh, thighs or legs area, and what, what I  
12 remember is when I was giving the orders, ■■■  
13 looked over to my direction, where I was, and I saw  
14 ■■■ eyes, ■■■ saw my eyes. And then ■■■ looked over  
15 and I, I think ■■■ saw Al, and Al saw ■■■, eye-to-  
16 eye, as well. Now, but I, I remember seeing  
17 something like this, and something like this, and  
18 then at that point, it was a gesture to start the  
19 engine, and start moving the vehicle. That was it,  
20 like it was almost as if ■■■ saw, ■■■ saw, and, and  
21 made the, made the move to, to get, to get on, or  
22 to leave, to flee.

23 INSPECTOR CAGNEY: Well, could you  
24 characterize, if you can, you know, was ■■■  
25 expression panicked? Did ■■■ look surprised? Did

1    ■■ look nonplussed? I mean--

2           OFFICER REYES: I don't know what ■■ was  
3 thinking, but ■■, ■■■ look was, ■■ looked at me,  
4 and ■■ looked at Office Lieu.

5           INSPECTOR CAGNEY: Just--

6           OFFICER REYES: And then, started it. I can't  
7 say if, I don't know if, I don't think the car was  
8 started, so I'm going to say that ■■ started the  
9 car and got down on the, uh, to, to put it in gear.

10          INSPECTOR CAGNEY: Do you know if the windows  
11 were up or down on your side?

12          OFFICER REYES: My window was definitely up.

13          INSPECTOR CAGNEY: Okay. Is there any music  
14 or anything coming from the vehicle?

15          OFFICER REYES: I didn't hear any music.

16          INSPECTOR CAGNEY: Okay. So, ■■ puts the car,  
17 I guess, into reverse?

18          OFFICER REYES: Reverse.

19          INSPECTOR CAGNEY: And then what happens after  
20 that?

21          OFFICER REYES: Um. The car starts moving,  
22 the car starts moving. And I thought, "Uh-oh, ■■  
23 going to, ■■ going to try to flee, this ■■  
24 fleeing now, this ■■ leaving now." And then,  
25 but it was, it started moving and it, and I don't

1 know if it was because my mind started slowing  
2 things down, or it was because it was slower, but I  
3 remember the car was moving, the car was moving,  
4 and I thought, "Holy shit, this [REDACTED] this [REDACTED]  
5 fleeing now." And then I remember looking over,  
6 and I, and I thought, "Oh, shit, [REDACTED] going right  
7 to Scott." Straight, to me, from my perspective,  
8 it was a straight shot to where Scott was.

9 INSPECTOR CAGNEY: You could see Scott at this  
10 point.

11 OFFICER REYES: Yeah, 'cause I kind of, I was  
12 like this, and I said, "Oh, shit, [REDACTED] leaving,  
13 [REDACTED] leaving." And I kind of did this, because I  
14 knew the car was going to back up, and I was  
15 wondering, "Where's this [REDACTED] going?" But the car  
16 was going straight to Scott.

17 INSPECTOR CAGNEY: And how would you  
18 characterize the vehicle's movement to--was it  
19 abrupt, was it aggressive, was it peeling out, was  
20 it slow, was it uh, you know, casual? I mean, you  
21 know, if you had to try to describe it for us, as,  
22 you know, some people jerk their way out of a  
23 parking spot, some people ease their way out of a  
24 parking spot. There's--

25 OFFICER REYES: I would describe it as, at

1 that, at that time, was uh ... "I'm getting the  
2 hell out of here." And [REDACTED] just went straight back.  
3 I mean, that's, in my view, that, that is what was  
4 happening. And then, um, as the car was backing  
5 up, next thing I remember, is I heard shots fired.  
6 Yeah, I heard shots fired, and then I remember, I  
7 repositioned myself. And then right when I was, I,  
8 I was ready to engage, the first person I saw was,  
9 when I, when I, I did, I think I did something like  
10 this, and I engaged, and the first person I see was  
11 my partner. [REDACTED] was right in front of me. 'Cause  
12 the triangulation when the car moved, we went from  
13 like, like this, to like this. And so when I, when  
14 I saw, I was like, "Holy--" and then, I don't know  
15 how to describe it other than I saw things coming  
16 my way. Um. I don't know if it was glass.

17 INSPECTOR CAGNEY: You mean--

18 OFFICER REYES: I don't know if it was--but I  
19 remember I saw this, I see my partner, and I  
20 thought, "Holy shit, [REDACTED] in my line." I ducked,  
21 because I saw things coming at me.

22 INSPECTOR CAGNEY: Right.

23 OFFICER REYES: I dropped--

24 INSPECTOR CAGNEY: Debris, you mean, or,  
25 you're talking debris, or you're not sure what it



1 was?

2 OFFICER REYES: All I saw was just things, it  
3 startled me a bit, because I see him, I go, "He's  
4 in my line," and then I, you know, things were  
5 coming, I ducked, and I remember I got out of the  
6 way. And then when I looked over, for like a split  
7 second, I didn't see Scott. So I didn't know what  
8 happened, so I kind of, I went over there, I said,  
9 "Holy shit." And then I went over there, and then  
10 Scott, I don't know if he stepped down, I don't  
11 know what happened, but I didn't see him. But then  
12 I saw, when I, when I, I think I curled this way,  
13 turned this way.

14 INSPECTOR CAGNEY: When you say "curl," you  
15 mean--

16 OFFICER REYES: Um.

17 INSPECTOR CAGNEY: --moved to your right and,  
18 and backwards?

19 OFFICER REYES: Yeah, yeah, I--

20 INSPECTOR CAGNEY: Did like a pirouette.

21 OFFICER REYES: --I pivot, there you go, I, I  
22 pivot--

23 INSPECTOR CAGNEY: Yeah.

24 OFFICER REYES: --to my, on my right side.

25 INSPECTOR CAGNEY: Mm-hmm.

1 OFFICER REYES: So when I was like this, I  
2 pivot this way, I didn't see Scott. But when I  
3 turned, I saw Scott. So.

4 INSPECTOR CAGNEY: Okay, yeah, he's standing,  
5 I--

6 OFFICER REYES: Yeah, he was standing, I think  
7 he moved.

8 INSPECTOR CAGNEY: Okay.

9 OFFICER REYES: I think he moved from, um--

10 INSPECTOR CAGNEY: You can write on this, so--

11 OFFICER REYES: Yeah.

12 INSPECTOR CAGNEY: --yeah, feel free, that's  
13 what it's for.

14 OFFICER REYES: Yeah, I think he moved from  
15 this position to over here, so I don't know at what  
16 point I lost him. But I, I do remember like, "Holy  
17 shit," I moved, pivot, and then he was there. And  
18 then I remember thinking, "Oh, shit," and then the  
19 car stopped. And then I, I believe at that point,  
20 we were all--once it hit, yeah, Scott came, yeah,  
21 we were both on this side now. And then he and I  
22 come around like this. And Al was still in the  
23 same, like over here. So, it was probably like Al  
24 there, Scott here, and me here. 'Cause we went  
25 around the, our vehicle.

1 INSPECTOR CAGNEY: And what's, what's the  
2 suspect doing at this point?  
3 OFFICER REYES: Uh, [REDACTED] was hit.  
4 INSPECTOR CAGNEY: Okay.  
5 OFFICER REYES: [REDACTED] was [REDACTED] but what was, what  
6 we didn't see, um, is while we were here--  
7 INSPECTOR CAGNEY: Right.  
8 OFFICER REYES: --[REDACTED] was kind of down, and we  
9 couldn't see [REDACTED] hands.  
10 INSPECTOR CAGNEY: Okay.  
11 OFFICER REYES: That was a huge issue, 'cause  
12 we weren't sure what was happening. So [REDACTED] hands  
13 were down here. And we couldn't see [REDACTED] hands. So  
14 we kept giving the orders, "We need your hands up,  
15 hands up, hands up." So then, um, if memory serves  
16 me, I ran, Sergeant uh, Kane, I think arrived at  
17 that point. Because I, I came around this way, and  
18 I went to this side, to try to--  
19 INSPECTOR CAGNEY: Now, now you've come back  
20 around.  
21 OFFICER REYES: I come back around, because we  
22 couldn't see [REDACTED] hands, so we weren't sure--  
23 INSPECTOR CAGNEY: Right.  
24 OFFICER REYES: --what [REDACTED] was doing, and if [REDACTED]  
25 was holding anything. So, I thought if I ran

1 behind, now I'm standing between the truck, I mean,  
2 the van, and the BMW. At that point, I knew that  
3 the window, and maybe it was just confirmation, but  
4 I knew that the window was closed, and the door was  
5 locked 'cause I o--I tried to open it, it was  
6 locked. But at that point, I could see that [REDACTED]  
7 hands were in this general area, uh, right leg, uh,  
8 uh, yeah, right area. So I can see [REDACTED] hands, and  
9 I was telling Scott, and I told Al, "I can see [REDACTED]  
10 hands, I can see [REDACTED] hands, but this door is  
11 locked. This door is locked."

12 INSPECTOR CAGNEY: Is [REDACTED] moving? The suspect.

13 OFFICER REYES: You know what? There was some  
14 movement, there was, you know, something. But I  
15 kept, that's why they didn't approach. That's why  
16 when they were here, they didn't approach right  
17 away, because there was some sort of movement, um,  
18 but I was trying to reassure them that I can see  
19 [REDACTED] hands and [REDACTED] wasn't holding anything in [REDACTED]  
20 hands. And at that point, I don't know how long it  
21 took, but I think Scott came over, unlocked this  
22 door, BMW's driver's side door, he unlocked all  
23 doors, I was able to open this. And then we were  
24 able to see that [REDACTED] didn't have anything. And then  
25 I believe I came around, I jumped over this thing,

1 and then I, I cuffed [REDACTED] up.

2 INSPECTOR CAGNEY: Okay, so you cuffed [REDACTED] in  
3 the car or out of the car? Did you take [REDACTED] out of  
4 the car to handcuff [REDACTED] or did you leave [REDACTED] in  
5 the car?

6 OFFICER REYES: [REDACTED] was in the car, I think.

7 INSPECTOR CAGNEY: So you handcuffed [REDACTED] in  
8 the car.

9 OFFICER REYES: Yeah.

10 INSPECTOR CAGNEY: And you came in through the  
11 passenger side?

12 OFFICER REYES: No, I came ar--I came around.

13 INSPECTOR CAGNEY: Oh, to the driver's side.

14 OFFICER REYES: So if I was here--

15 INSPECTOR CAGNEY: Right.

16 OFFICER REYES: --I came, let's say I came  
17 here, I, I think I hopped this right here.

18 INSPECTOR CAGNEY: I got you.

19 OFFICER REYES: Because Al was still--what, oh  
20 there you go, I think Al grabbed a hand. That's  
21 what it was, he grabbed one hand, and then I hopped  
22 it, grabbed the other hand, took my cuffs out, and  
23 then I hooked [REDACTED] right hand, and then the left  
24 hand. And then we knew [REDACTED] hands were in front of  
25 [REDACTED].

1 INSPECTOR CAGNEY: And [REDACTED] in the driver's  
2 seat.

3 OFFICER REYES: Yeah, the suspect?

4 INSPECTOR CAGNEY: Right.

5 OFFICER REYES: Yes.

6 INSPECTOR CAGNEY: Officer Reyes, just 'cause,  
7 you know, we've actually looked at the scene a few  
8 times, and you know, we've been up on top and we've  
9 been around, and I'm not sure if, in your account,  
10 that I understood this correctly. I understand the  
11 part in your account about how the car's going  
12 backwards. How does it end up in the position that  
13 you see now. It looked like it, at some point it  
14 must've gone forward. Do you know how that, if you  
15 saw it or understand how that happened, uh, we'd  
16 love to hear it. If you don't, you don't. I mean,  
17 you saw what you saw. I'm just--

18 OFFICER REYES: I, I--I see what you're  
19 saying--

20 INSPECTOR CAGNEY: Yeah.

21 OFFICER REYES: --like how'd it end up almost-  
22 -

23 INSPECTOR CAGNEY: Yeah, I mean, a backward  
24 movement would be, even if you were going to kind  
25 of angle it towards, try to between the gap between

1 the van, say, and the police car, so at some point  
2 it looks like the car moved forward. But if you  
3 don't know how that happened, that's fine, I just,  
4 we're just trying to figure that out ourselves, so  
5 we don't know. [pause] Did you ever see the car  
6 going forward?

7 OFFICER REYES: I do remember ... I thought,  
8 the only time, now that you said that, the only  
9 time that I remember seeing it slightly going  
10 forward is it's on a hill, when [REDACTED] put it in gear,  
11 I don't know if it's a stick shift or an automatic,  
12 but I thought the first move was kind of forward a  
13 little bit, and then back.

14 INSPECTOR CAGNEY: This is when it was in the  
15 parking spot?

16 OFFICER REYES: Yeah, not, not, right, in the  
17 parking spot, not in this position.

18 INSPECTOR CAGNEY: Okay. So, when the--

19 OFFICER REYES: The--

20 INSPECTOR CAGNEY: --how this got here, you're  
21 not entirely clear, is that, is that fair to say?

22 OFFICER REYES: No, unless [REDACTED] turned [REDACTED] ti--  
23 yeah, I don't know, I'd be, I'd be guessing.

24 INSPECTOR CAGNEY: No, and you don't need to  
25 guess, I mean, it's what you know is what you know.

1 What do you think all that stuff coming at you  
2 ended up being? Now that you're looking back at  
3 the incident?

4 OFFICER REYES: You know, [sigh] I, I don't  
5 know, I mean, I, I thought someone was saying that  
6 they found um, I don't know what they found over  
7 here, but I, I'm thinking maybe glass, maybe a  
8 round--I don't know. It could, all I remember is  
9 that I saw something coming towards me, and then I,  
10 I had to duck. But the other thing was that, right  
11 as I was getting ready to engage the first person,  
12 you know, kind of did this and I see Al like right  
13 there. And I thought, "Oh, he's in my line." So,  
14 I mean, I--

15 INSPECTOR CAGNEY: You know, part of what we  
16 do in these investigations, we're going to go into  
17 like your state of mind, and what, what was going  
18 through your mind, and in your thoughts. So, I  
19 want you to kind of think about that for a couple  
20 seconds, and kind of, you know, go back to those  
21 couple of seconds there, and, and what was going  
22 through your mind. We kind of have a rough idea.  
23 Um. When the car, at some point, what were your  
24 emotions when all this was going on? What was your  
25 thinking? I know that your first, your first



1 recollection to us about what you were feeling was,  
2 "This [REDACTED] trying to get away," is that what you  
3 told us, or "This [REDACTED] trying to do something."

4 OFFICER REYES: Yeah.

5 INSPECTOR CAGNEY: Right.

6 OFFICER REYES: Well, [REDACTED] definitely not  
7 listening.

8 INSPECTOR CAGNEY: Right.

9 OFFICER REYES: Um. It's definitely the car  
10 that we talked about earlier.

11 INSPECTOR CAGNEY: Right.

12 OFFICER REYES: Definitely uh, it's like, the  
13 [REDACTED] matched the description. And Scott is right  
14 behind the car.

15 INSPECTOR CAGNEY: So, what's your feeling in,  
16 in regards? So what're you thinking right now,  
17 when this is all going on?

18 OFFICER REYES: I'm completely fearful for uh,  
19 Scott.

20 INSPECTOR CAGNEY: So, that's your impression,  
21 that they're going to--

22 OFFICER REYES: Yeah, I mean, I was--

23 INSPECTOR CAGNEY: You think he's in danger.

24 OFFICER REYES: I got, he was 100 percent in  
25 danger. He was, he was right behind it.

1 INSPECTOR CAGNEY: Okay. So, what you're  
2 telling is that you felt there was a threat to, to  
3 Sergeant Ryan

4 OFFICER REYES: Absolutely.

5 INSPECTOR CAGNEY: All right. And at that  
6 point, did you feel that you were, could've  
7 employed deadly force to stop this threat?

8 OFFICER REYES: Yeah, because I, I would also  
9 add that not only was Sergeant, Scott was right in  
10 the path of the car, but we didn't know what this  
11 individual had in [REDACTED] car. So, at that point, if  
12 [REDACTED] willing to do that, who knows what [REDACTED] had,  
13 what [REDACTED] was going to do with me, with Al. I mean,  
14 we, you know. There was a bunch of unknown inside,  
15 so I felt that it was, you know, Scott's right  
16 there, I don't know what this [REDACTED] going to do,  
17 with, I mean, Al was like standing right there, I  
18 don't know if [REDACTED] going to try to gun it--I mean,  
19 who knows what was going on. But I was definitely,  
20 you know, fearful of what this [REDACTED] was willing, or  
21 able to do.

22 INSPECTOR CAGNEY: We didn't ask the question,  
23 but we'll ask the question now. Did you employ  
24 your, your firearm in this incident, that you know  
25 of?

1 OFFICER REYES: Not that I know of.

2 INSPECTOR CAGNEY: Okay.

3 OFFICER REYES: I mean, I, I don't think I  
4 did, and in fact I'm pretty sure, I'm going to say  
5 no.

6 INSPECTOR CAGNEY: Okay. That's fair. Do you  
7 think that at some point that your intention was to  
8 employ your firearm? But for whatever reason you  
9 weren't able to, or tactics prevented you, or you  
10 know, the, where people were positioned prevented  
11 that? I mean, my question is, did you feel that  
12 you would've been justified in using deadly force,  
13 and if so, why didn't you use deadly force?

14 OFFICER REYES: I was, I feel that I was  
15 justified in using it, but when, when, when I  
16 looked, when I was getting ready, and I just  
17 happened to see Al standing in front of me, I just  
18 didn't think that would've been wise, I think,  
19 'cause the way bullets can ricochet and, and he's  
20 right in front of me, I, I wouldn't feel, I just--  
21 and then when I, it was all simultaneous. Al's  
22 there, things are coming right now, I got to bend  
23 down, I got to go around. "Where's Scott?"  
24 Turning around, "Oh, it's right here." And then  
25 the car's moving, all that was, that was like

1 within seconds.

2 INSPECTOR CAGNEY: Can you hear gunshots?

3 OFFICER REYES: Yes.

4 INSPECTOR CAGNEY: And were they coming from,

5 could you see where they were emanating from?

6 OFFICER REYES: No, I just heard.

7 INSPECTOR CAGNEY: Just heard.

8 OFFICER REYES: Yeah.

9 INSPECTOR CAGNEY: Was it your perception that

10 the gunshots were directed at the vehicle? Or you

11 weren't sure where the gunshots were going, in what

12 direction, or who was firing where?

13 OFFICER REYES: I don't know who was--

14 INSPECTOR CAGNEY: If you know.

15 OFFICER REYES: No, I don't.

16 INSPECTOR CAGNEY: You don't know.

17 OFFICER REYES: I just heard, I, I just heard

18 the popping.

19 INSPECTOR CAGNEY: Right.

20 OFFICER REYES: So it was like popping, Al,

21 glass, duck, 'cause things are coming, don't know

22 what they are, could be rounds.

23 INSPECTOR CAGNEY: What was your feeling when

24 you saw that Sergeant Ryan was, was standing behind

25 the car, and appeared at least to you to be in one

1 piece?

2 OFFICER REYES: When I saw Scott standing--

3 INSPECTOR CAGNEY: Yeah.

4 OFFICER REYES: --when I couldn't see him for  
5 like a um, I was like, "Okay, cool, he's, he's all  
6 right." 'Cause he moved, I mean, he was, I think  
7 he walked towards me, or he walked back. I can't  
8 remember, but he was definitely moving. So I knew  
9 he was, at that point, I knew he was, he was all  
10 right.

11 INSPECTOR CAGNEY: Is it fair to say at some  
12 point you weren't sure if he had been struck or  
13 not?

14 OFFICER REYES: Oh, yeah, I mean, I think so,  
15 'cause for, and I don't know how long it was,  
16 'cause everything's just--

17 INSPECTOR CAGNEY: Time is very elastic, yes.

18 OFFICER REYES: Yeah, but... I don't--I just  
19 remember glass, I went down, and I remember kind of  
20 doing one of these things, and looking over here,  
21 and I re--I knew Scott was supposed to be there,  
22 but for a second, I didn't--maybe I wasn't looking  
23 in the right direction, I don't know, but Scott  
24 wasn't there. But when I did that little turn, I  
25 moved over, and Scott was coming towards me, and I

1 thought, "All right, he's there now."

2 INSPECTOR CAGNEY: Safe.

3 OFFICER REYES: Yeah. He was moving.

4 INSPECTOR CAGNEY: What was your feeling, and  
5 I know feeling's a bad word for cops, but what was  
6 your feeling in terms of Officer Lieu? I mean, did  
7 you have concerns for him? Or, or did you feel  
8 that he was okay? Or you didn't know what his  
9 status was, or--?

10 OFFICER REYES: Well, once I turned, I knew Al  
11 was, 'cause I saw him, so I knew Al was there.  
12 Didn't see, turned around, saw, looked up. Or we  
13 walked this, we're walking around, like, like this,  
14 facing this way, towards the vehicle, we walked  
15 around. And I can see Al, he was standing, and,  
16 and uh, engaged--in fact, I think he was even  
17 giving them orders. At that point.

18 INSPECTOR CAGNEY: Still.

19 OFFICER REYES: "I need to see your hands, I  
20 need to see your hands." Like that. In fact,  
21 yeah, he was saying that. Because that was an  
22 issue, 'cause when I got over here, I couldn't see  
23 [REDACTED] hands either, which is why I walked around and  
24 got in this position, 'cause I wanted to see what  
25 [REDACTED] was doing with [REDACTED] hands.

1 INSPECTOR CAGNEY: Do you remember at this  
2 point, um, what happened next? And by that I mean,  
3 do you remember if, if you or another officer put  
4 out any radio traffic? Um. You said that you  
5 handcuffed [REDACTED], well so we'll start from that point  
6 on. So [REDACTED] handcuffed, the suspect, at that  
7 point. What happens next?

8 OFFICER REYES: I think Scott handled the  
9 radio. I know that there was an ambulance on it  
10 way.

11 INSPECTOR CAGNEY: Okay.

12 OFFICER REYES: I know that other units were  
13 on their way. Um. You can hear the sirens. And I  
14 believe Sergeant King was already there, so I knew  
15 Scott must've called it out.

16 INSPECTOR CAGNEY: Is it, and it's funny, um,  
17 'cause we've spoken to several people uh, that were  
18 witnesses to this. And one thing that seems to  
19 come clear is that the police were on scene very  
20 quickly.

21 OFFICER REYES: Yeah.

22 INSPECTOR CAGNEY: So did you think that the  
23 assistance call went out before all this happened,  
24 in regards to--Did you remember any radio traffic  
25 to that effect, that "We have the car" or anything

1 like that? Or--if you remember; if you don't, you  
2 don't.

3 OFFICER REYES: I know the radio transmission  
4 didn't come from me, 'cause I was engaged with that  
5 [REDACTED] from the beginning. And I'm pretty sure it  
6 was Scott.

7 INSPECTOR CAGNEY: That he handled the radio,  
8 as far as you know.

9 OFFICER REYES: Pretty sure.

10 INSPECTOR CAGNEY: Okay. And you're not sure  
11 about the timing of what radio broadcasts were  
12 made, if any.

13 OFFICER REYES: No. No.

14 INSPECTOR CAGNEY: I got you. So, [REDACTED]  
15 handcuffed, [REDACTED] still in the car, what happens  
16 after that?

17 OFFICER REYES: Um. What happened? Well, uh,  
18 you see, [REDACTED] handcuffed. Ambulance showed up  
19 pretty quick. Uh. Like shortly thereafter, they  
20 were working on getting [REDACTED], Lieutenant Solomon was  
21 at scene. Made sure we were okay, me, Scott and  
22 Al. Um. Then he called out for help in securing  
23 the scene. Um. The paramedics were doing their  
24 thing over here. And the other units were just  
25 starting to, uh--



1 INSPECTOR DELAHUNTY: Arrive.  
2 OFFICER REYES: Yeah, arrive, and start doing  
3 the casings, exactly.  
4 INSPECTOR CAGNEY: And then at that point, you  
5 guys are doing what you need to do.  
6 OFFICER REYES: Yeah, I believe, uh--  
7 INSPECTOR CAGNEY: The other side of it.  
8 OFFICER REYES: Yeah, Scott and Al went with  
9 uh, Sergeant Kane. And then um, I went with uh,  
10 there was a Northern unit that took me to Park  
11 Station.  
12 INSPECTOR CAGNEY: I got you. Um. I don't  
13 think there's anything I can think of off the top  
14 of my head.  
15 INSPECTOR DELAHUNTY: Um. Did you see anybody  
16 put their magazines on the cars?  
17 OFFICER REYES: I didn't see that.  
18 INSPECTOR DELAHUNTY: Okay.  
19 INSPECTOR CAGNEY: And you, I don't mean to,  
20 'cause it just reminded me. The suspect ever say  
21 anything to you, or to anybody else, that you know  
22 of?  
23 OFFICER REYES: Not that, no, I'm going to go--  
24 -'cause the side I was on, the window was up. I  
25 went around, couldn't see [REDACTED] hand. I ran to the

1 other side, wanted to open that door, couldn't open  
2 the door. And then I remember just yelling, "I see  
3 [REDACTED] hands, I see [REDACTED] hands, we got to open this  
4 door, [REDACTED] going to need a handcuff." And I, Scott  
5 coming, I mean, my, I was so making sure that those  
6 hands weren't moving. I mean, I was, that was my  
7 focus, and the hands weren't moving. [REDACTED] was just  
8 like this. And I was like, "Okay, I got [REDACTED]  
9 hands," Scott came over, unlocked the doors. We  
10 opened it up, and then, I remember Al grabbed one  
11 hand to make sure, and I ran over and then I hooked  
12 [REDACTED] up.

13 INSPECTOR CAGNEY: And there's, and again,  
14 this is just based on your perception, what you  
15 know, what you, you think. Is there any chance  
16 this [REDACTED] doesn't know who you [REDACTED] are? Or, you  
17 know, doesn't hear the commands or anything along  
18 those lines?

19 OFFICER REYES: I don't think so. I mean, I  
20 don't think so.

21 INSPECTOR CAGNEY: Okay. Yeah, fair, fair  
22 enough.

23 INSPECTOR DELAHUNTY: Um, the only thing, I'm  
24 going to ask, Officer Reyes, if you don't mind on  
25 that picture of yours, [unintelligible]

1 OFFICER REYES: This one?

2 INSPECTOR DELAHUNTY: Uh-huh. If um, if you  
3 can just put the initials for yourself or Scott,  
4 and for, um, for Officer Lieu, when, you know,  
5 where you were when you first got out the car, if  
6 you remember. And then if you can put in uh, in  
7 as, you know, the initials with a number two, as to  
8 when you first saw the car moving, to the best of  
9 your recollection. And by the car moving, I mean,  
10 the uh, the suspect car.

11 OFFICER REYES: Okay, so, is that my--well--

12 INSPECTOR CAGNEY: Whatever picture does the  
13 best job, yeah.

14 INSPECTOR DELAHUNTY: Yeah, whatever works  
15 best for you, um.

16 INSPECTOR CAGNEY: 'Cause it's, unfortunately,  
17 it's not a good depiction, because the car is not  
18 in the position you saw it initially.

19 OFFICER REYES: Yeah, it's--yeah, if the, if  
20 the car was parked here--

21 INSPECTOR DELAHUNTY: And if you want to use  
22 this, might work a little easier for you.

23 OFFICER REYES: So, essentially, if the car  
24 was parked, let's say, here, something like that,  
25 right, I think that's--Or I don't know, maybe the,

1 I don't know what kind of angle this is, but if it  
2 was like this, I was over here. So what do you  
3 want over here? Or, just my initials?

4 INSPECTOR DELAHUNTY: Um, just, no you just  
5 put--

6 OFFICER REYES: Do you want it when it was  
7 parked, right?

8 INSPECTOR DELAHUNTY: Well, when you, right,  
9 when it was parked before it first moved.

10 OFFICER REYES: Before it moved.

11 INSPECTOR DELAHUNTY: Before it moved, right.

12 OFFICER REYES: So, I was, you can put me over  
13 here, between this van and this uh, BMW. So I was  
14 here. Scott was here.. And then Al was between the  
15 BMW and this vehicle. But, but it would be  
16 somewhere where this hood is.

17 INSPECTOR DELAHUNTY: Sure, before, before it  
18 moved, right there, so that's right.

19 OFFICER REYES: But you see, yeah, yeah, so,  
20 it'd be like Al. Does that help you?

21 INSPECTOR DELAHUNTY: Yeah, yeah, yeah.

22 OFFICER REYES: 'Cause our goal was to  
23 triangulate.

24 INSPECTOR DELAHUNTY: Sure.

25 OFFICER REYES: And it's moving, slow, slowly

1 move up, move up.

2 INSPECTOR DELAHUNTY: Okay, that was the only  
3 question I have.

4 OFFICER REYES: All right.

5 INSPECTOR CAGNEY: Do you want to check with  
6 your uh--

7 DAI POSADA: Yeah, let me check with um, with  
8 the folks, and I'll be right back.

9 INSPECTOR CAGNEY: And I'm sorry, Brian.

10 INSPECTOR DELAHUNTY: Yeah, you--

11 INSPECTOR CAGNEY: You have some more?

12 INSPECTOR DELAHUNTY: Just uh, car backed up,  
13 do you remember, I know, again, time is sort of  
14 weird, but do you remember if the car was  
15 accelerated at a high rate? You know, or was it  
16 moving slowly? Or was it just moving back  
17 normally?

18 OFFICER REYES: I don't recall.

19 INSPECTOR DELAHUNTY: But what's the--

20 OFFICER REYES: Because, the minute, the  
21 minute I saw the car moving, I was thinking, "This  
22 [REDACTED] fleeing and Scott's behind it," and then it's  
23 moving more, right? And then I'm like "Holy shit,  
24 this [REDACTED] is really--what's happening here?" You  
25 know, this [REDACTED]-and then, um--

1 INSPECTOR DELAHUNTY: I got it.

2 OFFICER REYES: You know, then, and at that  
3 point it just, it's, it's like a combination of  
4 everything went so fast and so slow. All at the  
5 same time--

6 INSPECTOR DELAHUNTY: Right.

7 OFFICER REYES: --because--

8 INSPECTOR DELAHUNTY: Do the, did the, uh, you  
9 heard shooting, as the car was backing up, or as  
10 the car was going forward?

11 OFFICER REYES: Shots from the--

12 INSPECTOR DELAHUNTY: If you remember.

13 OFFICER REYES: [pause] I don't remember  
14 specifically, but I have a vision of uh, the car  
15 going back, hitting our car, and then the car  
16 stopped, 'cause our car was there.

17 INSPECTOR DELAHUNTY: Okay.

18 OFFICER REYES: Or it hit, it hit the uh, the  
19 door, or whatever it hit.

20 INSPECTOR DELAHUNTY: Okay.

21 OFFICER REYES: And then, I think that's when  
22 the popping, it's when I heard the popping.

23 INSPECTOR CAGNEY: Okay.

24 OFFICER REYES: But, yeah, I'm going to go  
25 with that, 'cause I think that's what happened.

1 INSPECTOR DELAHUNTY: Did you see anybody have  
2 to jump out of the way of the moving car?

3 OFFICER REYES: I would say Scott, probably.

4 INSPECTOR DELAHUNTY: Okay, um--

5 INSPECTOR CAGNEY: Did you see anything?

6 INSPECTOR DELAHUNTY: Did you see that? No,  
7 I'm not asking you if you think, um, we're just  
8 asking you if, if somebody hopped up to, to escape  
9 uh, and possibly jumped on another car, or--

10 OFFICER REYES: If I--to see, I'm going to say  
11 no, 'cause I, I ducked.

12 INSPECTOR DELAHUNTY: Okay.

13 OFFICER REYES: Yeah.

14 INSPECTOR CAGNEY: That's, that's totally  
15 fine.

16 INSPECTOR DELAHUNTY: Yeah, that's, that's  
17 cool. You know what, and again, it's--as you know,  
18 we were out there, interviewing other people, and  
19 we're just, I'm just trying to coordinate things,  
20 so that--

21 INSPECTOR CAGNEY: You know, with, I'm so bad,  
22 too, 'cause the basic questions. How long do you  
23 think this whole thing took, if you had to guess?  
24 I mean, between the commands to, to [REDACTED] being  
25 handcuffed. I mean, is it seconds, minutes? And

1 time is tough, so, I mean, if you don't want to  
2 even take a shot at it, don't worry about it, but--

3 OFFICER REYES: Hm.

4 DAI POSADA: All right, Jim's just got a  
5 couple questions. Um.

6 OFFICER REYES: I don't know.

7 INSPECTOR CAGNEY: Well, and that's fair  
8 enough.

9 INSPECTOR DELAHUNTY: We basically just asked  
10 uh, jumping, if he saw anybody jumping, he doesn't  
11 remember anybody jumping. And John just asked him  
12 about the uh, the, you know, the uh, the time issue  
13 from shouting to shooting to handcuffing, how long  
14 it took, and, and uh, Officer Reyes is a little,  
15 uh, again doesn't really re--

16 DAI POSADA: Okay.

17 INSPECTOR CAGNEY: --call the time.

18 INSPECTOR CAGNEY: Yeah.

19 DAI POSADA: Fair enough. Um. And uh,  
20 Officer Reyes, I apologize, just a couple more  
21 questions and--

22 OFFICER REYES: No problem.

23 DAI POSADA: And then I'm done.

24 OFFICER REYES: Okay.

25 DAI POSADA: Um. To clarify, when you hooked



1 up your partner with uh, Officer Lieu, right, uh,  
2 and then at some point, you ended up hooking up  
3 with Sergeant Ryan, also. So, it was Officer Lieu  
4 driving, Sergeant Ryan passenger, and you were in  
5 the rear.

6 OFFICER REYES: Yeah.

7 DAI POSADA: Rear seat of the car.

8 OFFICER REYES: Al's driving, Scott's front  
9 passenger, and I'm sitting behind Al, the driver's  
10 seat.

11 DAI POSADA: Behind the driver's side, okay.

12 OFFICER REYES: Yeah.

13 DAI POSADA: At what point did you hook up  
14 with Sergeant Ryan? Was it at Park Station you  
15 mentioned, or--?

16 OFFICER REYES: Oh, yeah, you mean after the  
17 3:00--yeah.

18 DAI POSADA: Yeah, so you remember about what  
19 time?

20 OFFICER REYES: Oh, uh, if, if we, if we truly  
21 left right at 3:00 o'clock, call it ten-fifteen  
22 minutes or something like that.

23 DAI POSADA: Okay.

24 OFFICER REYES: I mean--

25 DAI POSADA: So, shortly after 3:00 p.m. would

1 be--

2 OFFICER REYES: Yeah, I remember, I remember  
3 uh, go back to the station, we went back to the  
4 station, I remember going to the office and--and  
5 then Scott showed up. I mean, I don't know what  
6 the time that went by.

7 DAI POSADA: Sure.

8 OFFICER REYES: But it wasn't like, "Oh, wow,  
9 you know, how long is this guy?"

10 DAI POSADA: Okay.

11 OFFICER REYES: You know what I mean.

12 DAI POSADA: Yeah. Um. Other question is,  
13 as, as you're driving past the car, the BMW  
14 initially, to familiarize yourself with the actual  
15 vehicle, see the actual vehicle, um, you guys  
16 notice movement. And as you're driving back up,  
17 um, Buena Vista, um, you guys noticed or was it  
18 yourself and Officer Lieu that noticed movement in  
19 the car, or--?

20 OFFICER REYES: I'm going to, I know that I  
21 saw it for sure.

22 DAI POSADA: Okay.

23 OFFICER REYES: For sure. You're talking  
24 about the second time when we're driving  
25 southbound--

1 DAI POSADA: Yeah, when, right--

2 OFFICER REYES: --on Buena Vista East.

3 DAI POSADA: --when you're going--

4 OFFICER REYES: Oh, yeah, there's no, and  
5 then, I know that I did. And I'm fairly certain  
6 that Al did, and Scott did.

7 DAI POSADA: Okay. And--

8 INSPECTOR DELAHUNTY: Are you talking about  
9 the first time, as you, as you're driving--

10 DAI POSADA: No, coming back up.

11 INSPECTOR DELAHUNTY: Oh, okay.

12 DAI POSADA: When you guys were going back to  
13 get a second look, 'cause you thought you saw--

14 OFFICER REYES: Yeah, because Al said, "I  
15 think I saw a brake light," or I don't know what he  
16 said, but he said, "I think I saw brake lights" or  
17 something.. And I remember thinking, "Well, I  
18 didn't see that, but if you saw something, let's  
19 just, I mean, just make a U-turn and let's just  
20 take a peek. I mean, let's take a look." And that  
21 is when, when we drove up, I know that I saw  
22 movement in the passenger side. There was no  
23 denying that. And I'm pre--I'm sure Scott saw the  
24 same thing, and Al saw the same thing.

25 DAI POSADA: Okay. And at that point, do you

1 remember um, why a decision was made to engage um,  
2 the suspect at that time?

3 OFFICER REYES: Uh. No, I don't know. I  
4 mean, I think Scott said, "Let's stop the car," or  
5 something like that.

6 DAI POSADA: Okay.

7 OFFICER REYES: 'Cause that was a bank robber.

8 DAI POSADA: Okay. Fair enough. So, and you  
9 knew that [REDACTED] a suspected bank robber from the  
10 previous briefing.

11 OFFICER REYES: From the first, yes, from the  
12 previous briefing.

13 DAI POSADA: Okay. And the last question I  
14 have for you is um, when uh, Officer Lieu, um, went  
15 to cuff [REDACTED] and, and uh, you went to assist him  
16 with, with the cuffing, was the, do you remember if  
17 the car was at a standstill at that point? Or was  
18 it still moving?

19 OFFICER REYES: I'm going to say that it was  
20 not moving.

21 DAI POSADA: Okay. So, so that's the rec--  
22 your recollection, it was already at stop.

23 OFFICER REYES: I'm going to say it was, it's,  
24 yeah, it was not moving.

25 DAI POSADA: Okay.

1 OFFICER REYES: 'Cause Al was holding uh,  
2 suspect, right--yeah, [REDACTED] was holding [REDACTED] right  
3 hand. And then, I remember just, I jumped over the  
4 thing. Got my cuff, grabbed [REDACTED] hand. Yeah, so I  
5 don't think it was moving.

6 DAI POSADA: Okay. Um.

7 OFFICER REYES: I mean, I was moving, but I  
8 don't think the car was moving.

9 DAI POSADA: Okay, no other questions.

10 INSPECTOR DELAHUNTY: Just, just real quick,  
11 you just mentioned uh, movement on the passenger  
12 side. Um. Passenger side of the BMW, was there  
13 somebody else in the car besides the driver?

14 OFFICER REYES: No, neg, no, if I said that,  
15 it was my error.

16 INSPECTOR DELAHUNTY: Okay.

17 OFFICER REYES: I saw movement in the driver's  
18 side.

19 INSPECTOR DELAHUNTY: Okay.

20 OFFICER REYES: Of the BMW.

21 INSPECTOR DELAHUNTY: Right. Yeah, that's  
22 what I thought you meant, but--

23 OFFICER REYES: Yeah.

24 INSPECTOR DELAHUNTY: --I wasn't sure. I  
25 thought maybe there was somebody else that might've

1 got away.

2 OFFICER REYES: No.

3 INSPECTOR DELAHUNTY: But there was just one

4 person.

5 OFFICER REYES: If I said that, it was a, it

6 was a mistake, I meant the driver's side.

7 INSPECTOR DELAHUNTY: Okay, yeah. No biggy.

8 No biggy. Thanks.

9 INSPECTOR CAGNEY: I think uh, we're all done?

10 Counsel? I'm sorry.

11 POA PENDERGAST: No, I don't have any

12 questions.

13 INSPECTOR CAGNEY: Um. We're going to say

14 about uh, oh boy, 0010 hours. Sorry to say.

15 INSPECTOR CAGNEY: [laughs]

16 INSPECTOR CAGNEY: [laughs] And now the date

17 is going to be uh, 6/7/11, uh--

18 DAI POSADA: 6/8.

19 OFFICER REYES: Eight.

20 INSPECTOR CAGNEY: 6/8/11.

21 OFFICER REYES: Mm-hmm.

22 INSPECTOR CAGNEY: Sorry, I'm getting punchy,

23 too. I'll walk you out.

24 OFFICER REYES: Okay.

25 DAI POSADA: Officer, thank you very much.

1 OFFICER REYES: Yeah, hey, thanks, man.  
2 INSPECTOR CAGNEY: Like I said, did a good  
3 job.  
4 OFFICER REYES: Yeah, all right.  
5 INSPECTOR DELAHUNTY: You did good, man.  
6 OFFICER REYES: Yeah, thank you.  
7 INSPECTOR DELAHUNTY: Take it easy.  
8 POA PENDERGAST: Okay, you have my card.  
9 OFFICER REYES: Thank you. I do, oh yeah,  
10 it's in my bag.  
11 INSPECTOR DELAHUNTY: We'll try to get Officer  
12 Lieu out of here, so you guys can get on home,  
13 okay? All right?  
14 OFFICER REYES: Yeah, um, yeah, do, do I um--?  
15 INSPECTOR CAGNEY: Just, just hang out.  
16 INSPECTOR DELAHUNTY: I'm just going to, uh, I  
17 got to grab something, just real quick.  
18 [pause, background noise]  
19 **END OF DOCUMENT**

# Memorandum

San Francisco Police Department



**To:** Lieutenant Robert Moser #1434  
Commanding Officer  
Internal Affairs Division

APPROVED YES NO

|       |                          |                          |
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| _____ | <input type="checkbox"/> | <input type="checkbox"/> |
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**From:** Sergeant Michael Nevin #166 *MN*  
Internal Affairs Division

**Date:** June 10, 2011

**Subject:** Preliminary Investigation: Officer-Involved Shooting 11-002  
Incident #110460706

**Issue:**

What is the preliminary information related to OIS 11-002?

**Discussion:**

Incident Overview

On Tuesday, June 7, 2011 at 11:21 hours DEM received a phone call from a company that was tracking GPS coordinates of a vehicle stolen from Southern California. The vehicle was described as a 2009 BMW 3 series. It was determined to be in the area of Buena Vista East and Haight Street. Several minutes later, F.B.I. Agent [REDACTED] from Santa Ana called DEM to report that the stolen vehicle was believed to be involved in two bank robberies in Irvine, California. No gun was used in the robberies but Agent [REDACTED] wanted officers to use "extreme caution" and should be aware that the suspect evaded police in Orange County four times. The suspect tried to run over deputies during one of the incidents. The possible name of the suspect provided by the F.B.I. at this time was [REDACTED].

Sergeant James Aherne #1095 (3E170) responded into the Park District to assist with plain clothes surveillance of the vehicle. He contacted Agent [REDACTED] and learned that the vehicle was stolen on May 16 and on May 17 two bank robberies occurred in Irvine, California. After locating the vehicle parked and unoccupied near [REDACTED] Buena Vista East, multiple units were involved in surveillance for the next several hours.



Sergeant Scott Ryan #734 (3F135) was at the Hall of Justice when he first received a phone call from Sergeant Aherne regarding the operation. Sergeant Ryan, Park Station plain clothes supervisor, responded to the area and was posted on the perimeter. Officer Ruben Reyes #1954 (3F35E) and Officer Albert Lieu #1632 (3F35C) began their shift at [REDACTED] hours. Both officers received information from Sergeant Ryan regarding the operation, and they drove to the area and were posted on the perimeter.

At approximately 1500 hours, the surveillance operation was called off but another tracking device was placed on the vehicle in the event that it became occupied and moved.

Sergeant Ryan (front passenger), Officer Lieu (driver), and Officer Reyes (rear passenger) teamed up in one unmarked vehicle and began other duties in the district. At 17:06 hours, the officers responded on a call of a man with a gun at 400 Parnassus Avenue but they went back in service when it was determined that there was no merit to the gun. Since they were in the area and none of the officers had yet seen the vehicle wanted in the bank robbery, they proceeded north on Buena Vista East from Duboce to familiarize themselves with the vehicle in the event that the vehicle and suspect started to move. They wanted to know what the vehicle looked like.

While making a pass the officers saw the BMW parked near [REDACTED] Buena Vista East and it was parked near a yellow van. Officer Lieu commented to the others that he may have seen brake lights on the BMW. They decided to drive down the block, make a U-turn at Haight Street, and take another look as they drove south on Buena Vista east.

Officer Lieu drove past the vehicle when the officers noticed that the vehicle was in fact occupied. Officer Lieu quickly backed up and parked. Officer Lieu exited the driver's door and was positioned to the rear south of the BMW driver's side near the rear bumper of a Nissan Altima. Officer Reyes exited the rear driver's side door and became positioned north of the BMW on the passenger side. Sergeant Ryan exited the front passenger side and was positioned the driver's side rear of the BMW.

The officers verbally identified themselves and gave orders to the single occupant of the BMW. Officers Lieu and Reyes had their stars visible around their necks. Sergeant Ryan had his star on a clip on his pocket. All three officers had their firearms drawn in an attempt to take the suspect into custody. Verbal persuasion was to no avail. No officer recalled hearing the suspect say anything at this time. Sergeant Ryan recalled Officer Lieu telling the occupant to turn off the vehicle. Sergeant Ryan did not know the vehicle was even running. Sergeant Ryan got on

his pic radio and called a Code 33 [clear channel for emergency]. He stated that they had an occupied stolen vehicle on Buena Vista East and they needed back-up.

The BMW slowly backed up with the rear turning north and the front end making contact with the parked vehicle [Nissan Altima] south of the BMW. Sergeant Ryan backed up but was blocked by the police vehicle. He was looking for escape but "not seeing a way to get out of it." Meanwhile, as the BMW contacted the Nissan Altima, the Altima made contact with a parked Mazda Protégé. The contact literally pushed these parked vehicles together. Officer Lieu briefly got pinned between these two vehicles. [His pants showed a mark on the left thigh area where Officer Lieu said was the location his body got caught.]

As the BMW drove back towards Sergeant Ryan, he felt he was getting pinned and he "fired at the driver to get [REDACTED] to stop doing what [REDACTED] deliberately doing." Sergeant Ryan's initial reaction the situation was to get away but he said, "I have nowhere to go." Sergeant Ryan discharged his entire magazine in a continuous sequence of fire. He then changed magazines but did not fire again.

The BMW began to move forward in the direction of Officer Lieu. Officer Lieu stated, "I was scared. I was trying to get away." Officer Lieu discharged his firearm at the driver. Officer Lieu changed magazines before he went empty and then recalled racking a live round which would have fallen to the ground. He did not fire again.

The BMW came to a stop with the right front end contacting the left rear end of the Nissan Altima. The officers approached the suspect in the BMW but [REDACTED] hands were positioned in a fashion that gave them pause. Once they were comfortable that no weapons were visible, Officer Lieu assisted by Officer Reyes handcuffed the suspect to the front of [REDACTED] body.

Back up units arrived and summoned medical attention for the suspect. Sergeant Lederer #4151 flagged down a passing AMR ambulance out of Santa Rosa. They provided medical attention until SFFD Medic #79 arrived. The suspect was transported to San Francisco General Hospital where [REDACTED] was pronounced dead at 18:05 hours.

#### CAD records

I received certified copies of all CAD printouts and DEM recordings. The first call for service from ATX regarding the GPS on the stolen vehicle was at 11:21 hours (CAD #111581289). On that CAD is Agent [REDACTED] who called in at approximately 11:28 hours. The surveillance operation used channel B16. The CAD closes at 15:26 hours.

At 17:06 hours, Sergeant Ryan, Officer Lieu, and Officer Reyes responded on a 221 call at 400 Parnassus Avenue (CAD #111582536). They cleared this run but did not yet go 10-8. At 17:23 hours, Sergeant Ryan calls a "Code 33" on channel A6.

A new event on CAD was created for [REDACTED] Buena Vista East regarding the Officer-Involved Shooting (CAD #111582662).

#### Timeline of Significant Events

- 17:23:20 (3F135) "Code 33" occupied 10-30 Buena Vista East "Get me a couple units, 10-25, 10-25"
- 17:23:46 (3F135) "Shots fired" [Note 400 Parnassus was a prior run address]
- 17:24:20 (3F108) Sgt Kane on scene
- 17:25:00 sufficient help
- 17:25:40 (3F204) Code 3 408 request
- 17:27:20 (3F108) 408 is 10-97
- 

23 seconds from "Code 33" to "Shots Fired" broadcast

Suspect: [REDACTED]

The Medical Examiner's office provided the identification of the suspect killed in this incident: [REDACTED] was examined by autopsy on June 10, 2011. [REDACTED] had 6 gunshot wounds (injuries: 1 right ear, 3 chest area, 2 left forearm).

A warrant was issued on May 17, 2011 for [REDACTED] by the F.B.I. on [REDACTED]

[REDACTED] had a criminal history in California involving evading a police officer and resisting arrest. He was convicted of a misdemeanor.

The F.B.I. later confirmed that [REDACTED] was the suspect in the bank robberies in Irvine, California. [REDACTED] was dubbed the "Gen X bandit."

#### Homicide Investigation / CSI

Inspector John Cagney, Homicide Detail, is the lead criminal investigator. All civilian and member interviews, up to this point, have been conducted by the Homicide Detail.

CSI evidence includes the following:

- 23 casings located at scene
- 1 cartridge located at scene
- 2 magazines located on hood of police vehicle: 1 empty, 1 contained 2 cartridges
- Officers firearms seized and each contained 12 cartridges

Vehicles involved:

- 2009 BMW 328i 2D Gray (paper plates [REDACTED] \*sunroof open
- 2000 Ford Crown Victoria 4D Gray ([REDACTED])
- 2000 Nissan Altima 4D black ([REDACTED] plate [REDACTED])
- 1996 Mazda Protégé 4D Green ([REDACTED])
- 2008 GMC Savanah Van Yellow ([REDACTED])

#### Use of Force Records

No officer had a prior Officer-Involved Shooting or Discharge. The IAD computer database found no use of force records for Officer Reyes. Sergeant Ryan [REDACTED] Officer Lieu [REDACTED]  
[See attached sheets.]

#### **Conclusion:**

The following statute and Department General Order provisions will be considered in the evaluation of this investigation:

Penal Code Section 835a:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Department General Order 5.01 (Use of Force rev. 10/4/95) states, in part:

**D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more

forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2 It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

#### F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
  - a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself.
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
  - a. What actions on the part of the suspect justify the use of force?
  - b. What crime is being or has been committed?
  - c. Does the situation require the immediate use of force?

Department General Order 5.02 (Use of Firearms rev. 3/16/11) states, in part:

#### C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
  - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
  - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent

danger of death or serious bodily injury to the officer or any other person.

- c. To apprehend a person when both of the following circumstances exist:

- (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
- (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

- 2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

- 5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

- c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that **officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:

- (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means other than the vehicle itself.
- (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.
- (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- (4) To apprehend a person when both of the following circumstances exist:

- (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
  - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
- d. In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or others were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Department-approved training.

As with all Officer-Involved Shootings, Sergeant Ryan and Officer Lieu have been assigned to administrative duties since the incident. A Return to Duty Panel will convene on June 13, 2011 at 11:00 hours.

**Recommendation:**

It is recommended that the involved officers attend standard training following this incident: Range debrief and modified Force Options.

It should be noted that special training is available to plain clothes officers in relation to engaging vehicle threats. This includes a class created by Lt. Jim Miller (GTF) "Plain Clothes and Undercover Operations." A section of this class includes "Occupied Suspect Vehicle Investigations" that reviews DGO 5.02, plain clothes officer safety strategies, and individual incident case review. Officer Angelo Spagnoli created a Range course for plain clothes officers as well.

It is recommended that this investigation proceed according to Department General Order 8.11.



ATTACHMENTS

- A Chronological
- B Incident Report 110460706
- C CAD 111581289, 111582536, 111582662
- D C.S.I. DRAFT
- E Suspect: [REDACTED]
- F Employee profile/Training: Sergeant Scott Ryan
- G Employee profile/Training: Officer Albert Lieu
- H Employee profile/Training: Officer Ruben Reyes
- I Photos: IAD and Photo Lab



**POLICE COMMISSION  
RETURN TO DUTY  
OIS 11-002**



**CONFIDENTIAL**

**Disclaimer**

Note: As with all Return to Duty presentations, the following report should be considered preliminary information only.

There are open criminal and administrative investigations.

**Case Overview**

- ▣ Date: Tuesday, June 7, 2011
- ▣ Time: 17:23 hours
- ▣ Place: ■ Buena Vista Ave East
- ▣ Sgt. Ryan, Ofc. Lieu, and Ofc. Reyes encountered a suspected bank robber inside a stolen vehicle. During the confrontation, the suspect used ■ vehicle as a weapon against the officers. Sgt. Ryan and Ofc. Lieu discharged their weapons at the suspect, mortally wounding ■.

**Officers involved:**

**Sergeant Scott Ryan # 734**

Park Station call sign 3F135

■

Plain clothes: 10 years

2.5 as a supervisor

**Officer Albert Lieu #1632**

Park Station call sign 3F35C

■

Plain clothes: 3 years



Officers involved:

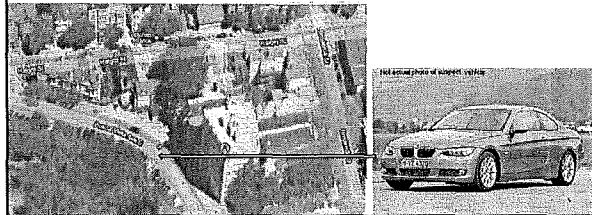
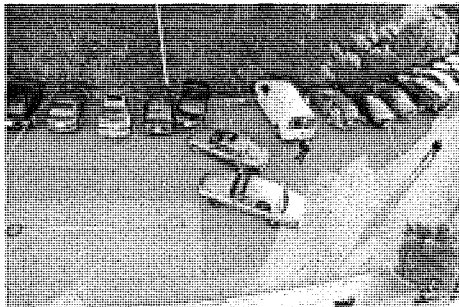
Officer Reuben Reyes #1954

Park Station call sign 3F35E

Plain clothes: 2 years

PRELIMINARY FACTS

Earlier in the day the officers were involved in a surveillance operation which ended at 1500 hours. The officers were informed a BMW was located at Buena Vista East and Haight Street. The vehicle was connected to a bank robbery suspect from Irvine, CA.

View from above 65 Buena Vista Ave EastTimeline / DEM Audio

17:23:20 3F135 "Code 33" occupied 10-30

Buena Vista East "Get me a couple of units, 10-25"

17:23:46 3F135 "Shots Fired"

Note: 400 Parnassus was a prior run address

17:24:20 3F108 10-97

17:25:00 Sufficient Help

17:25:40 3F204 "Code 3 408" (ambulance)

17:27:20 3F108 408 is 10-97

23 seconds from "Code 33" to "Shots Fired"



East View



Southbound View



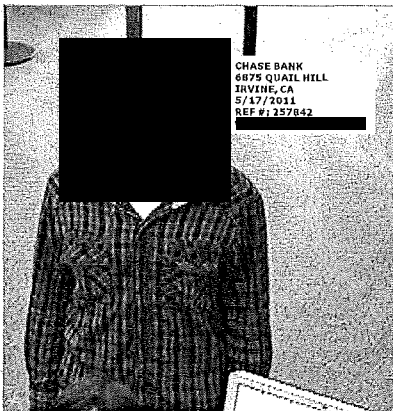
Northbound View



### Marks on Altima



### Officer Lieu Injuries



CHASE BANK  
6875 QUAIL HILL  
IRVINE, CA  
5/17/2011  
REF #1257842

CDL # [REDACTED]  
D.O.B. [REDACTED]

[REDACTED] has an outstanding  
Federal Warrant for [REDACTED]

**DGO 5.02 (Use of Firearms)  
rev. 3/16/11**

"An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:

(2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety."

**Investigations Continues**

- ▣ Criminal (Homicide/DA)
- ▣ Administrative (IAD)
- ▣ Once reports completed, Firearm Discharge Review Board will convene and issue recommended finding to Chief of Police.



**GENERAL ORDER**

Revised 03/16/11

**USE OF FIREARMS**

This order establishes policies and reporting procedures regarding the use of firearms.

**I. POLICY**

- A. GENERAL. Officers shall use their firearms in accordance with Department General Order 5.01, Use of Force, and this General Order.

**B. HANDLING AND DRAWING FIREARMS**

1. HANDLING FIREARMS. An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.
2. AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.
3. DRAWING OTHERWISE PROHIBITED. An officer shall not draw a Department-issued firearm except as authorized by this order, for inspection by a superior, maintenance, safekeeping, or Department-approved training.

**C. DISCHARGE OF FIREARMS**

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
  - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
  - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him

or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.

- c. To apprehend a person when both of the following circumstances exist:
    - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
    - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
  - d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.
  - e. To signal for help for an urgent purpose when no other reasonable means can be used.
- 2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.
  - 3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.
  - 4. GENERALLY PROHIBITED CIRCUMSTANCE. As a warning.
  - 5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:
    - a. At a Moving Vehicle. An officer shall not discharge a firearm at a moving vehicle with the intent to disable the vehicle.
    - b. From a Moving Vehicle. An officer shall not discharge a firearm from a moving vehicle unless the officer has reasonable cause to believe there is an imminent danger of death or serious bodily injury to the officer or to others.
    - c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that **officers are**

**prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:

- (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means other than the vehicle itself.
- (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.
- (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- (4) To apprehend a person when both of the following circumstances exist:
  - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
  - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

- d. In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or others were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Department-approved training.

D. **REPORTING DISCHARGE OF FIREARMS.** Except for firearm discharges at an approved range or during lawful recreational activity, an officer who discharges a firearm, either on or off duty, shall report the discharge as required under Department General Order 8.11. This includes an intentional or unintentional discharge, either within or outside the City and County of San Francisco.

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#### **References**

DGO 3.10, Firearms Discharge Review Board  
DGO 5.01, Use of Force  
DGO 8.01, Critical Incident Notification  
DGO 8.04, Critical Incident Response Team  
DGO 8.11, Officer-Involved Shootings



**GENERAL ORDER**

09/21/05

**INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND  
DISCHARGES**

This order outlines the rules and procedures to be followed in the conduct of all officer-involved shooting and discharge investigations.

**I. POLICY**

It is the policy of the San Francisco Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.

**II. PROCEDURES****A. DEFINITIONS:**

- Officer-involved shooting. An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.
- Officer-involved discharge. An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

**B. INVESTIGATION PROTOCOL: Officer-involved shootings that result in injury or death are investigated in two distinctly separate venues:**

1. Criminal Investigations. Investigations to determine if there was criminal conduct on the part of the involved officer(s) are conducted separately by the Homicide Detail and the Office of the District Attorney.

*Officer-involved shootings occurring on San Francisco International Airport property or in San Mateo County shall be investigated by the San Mateo County Sheriff's Office in conjunction with the San Mateo County District Attorney's Office.*

09/21/05

2. Administrative Investigation. Investigations to determine if the officer-involved shooting was within Department policy are conducted separately by the Management Control Division and by the Office of Citizen Complaints if and when initiated by a citizen complaint.

*If the officer-involved shooting occurs on San Francisco International Airport property or on its surrounding areas, the Management Control Division shall contact the San Mateo County Sheriff's investigators and the San Mateo County District Attorney's Office investigators responsible for the criminal investigation and request copies of any reports those agencies have made that are relevant to the officer-involved shooting.*

C. OFFICER-INVOLVED SHOOTINGS OCCURRING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. As soon as practical after an officer-involved shooting occurring within the City and County of San Francisco, the following notifications shall be made:

1. If practical, the member(s) involved shall notify Emergency Communications Division (ECD), and his/her immediate supervisor, or the platoon commander of the district in which the shooting took place.
2. ECD shall immediately notify the Field Operations Bureau Headquarters (Operations Center after normal business hours).
3. The Field Operations Bureau or the Operations Center shall make the following notifications:
  - a. The on-call Homicide Inspectors
  - b. The Crisis Incident Response Team (See DGO 8.04, Crisis Incident Response Team)
  - c. Management Control Division
  - d. District Attorney's Office
  - e. The Commanding Officer of the member(s) involved
  - f. Chair of the Firearm Discharge Review Board
  - g. Office of Citizen Complaints
  - h. San Francisco Police Department Command Staff
  - i. Legal Division
  - j. Captain of Risk Management
  - k. Secretary of the Police Commission

D. OFFICER INVOLVED DISCHARGES. In cases where injury or death has not occurred, the Commanding Officer of the member involved is responsible for conducting a thorough shooting investigation, including accidental discharges. The Commanding Officer may delegate this investigation to another Commissioned Officer. The Commanding Officer, however, shall be responsible for the proper conduct of the investigation, and the appropriate findings and recommendation as documented in an investigative summary. The Commanding Officer's Bureau Chief shall set an appropriate due date for this investigation. However, this investigation shall not exceed 45 days. Officer involved discharges require the following notifications:

1. If practical, the member(s) involved shall contact the platoon commander of the district in which the discharge occurred.
2. The platoon commander shall contact the officer's Commanding Officer.
3. If outside San Francisco, as soon as practical, the officer shall contact that jurisdiction's Police or Sheriff's Department requesting that entity contact the San Francisco Police Department.
4. An officer who discharges a firearm in an Officer-Involved Discharge shall be assigned to his or her respective Bureau Headquarters. The officer shall not return to regular assignment for a minimum of 5 days or unless, upon recommendation of the member's Commanding Officer with the approval of his or her respective Bureau Chief, the Chief of Police determines the member may return to his/her assignment.

E. OFFICER-INVOLVED SHOOTINGS OR DISCHARGES OCCURRING OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO. If a member discharges a firearm outside the City and County of San Francisco (except at an approved range or during lawful recreational activities) either while on duty or off duty, he/she shall follow these procedures:

1. Absent exigent circumstances, remain at the scene of the discharge and notify the law enforcement agency.
2. Immediately contact the on duty supervisor in your unit or detail.
3. As soon as practical, the member shall contact the senior ranking member on duty in the Bureau to which he/she is assigned, or the Operations

Center after normal business hours, and report the incident. The senior-ranking member in the Bureau who is notified or the staff at the Operations Center shall notify the on-duty supervisor of the involved member. If the member's unit is closed, the notification shall be made to the Commanding Officer or Officer-in-Charge.

- F. SCENE. The member who has discharged his/her weapon in an officer involved shooting should limit his/her investigation and activity to the following:
1. When officer safety permits: de-cock, holster, and strap in his/her firearm. He/she should not reload the weapon, or remove the magazine to examine its contents. Thereafter, he/she should not remove the weapon from the holster until directed to do so by the Homicide Detail. In cases involving shotguns and/or long rifles the weapon shall be placed on "safe" and isolated in a secure location.
    - a. Nothing in this order shall preclude a member from taking reasonable actions to provide/ensure officer and/or public safety.
  2. As soon as practical, seek medical assistance/ treatment for injured persons.
  3. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under II.F.5., no person(s) should be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.
  4. As soon as practical, attempt to obtain the name and address of any witness who may not remain at the scene.
  5. When an officer-involved shooting occurs within the City and County of San Francisco, the crime scene(s) shall be under the control of the Homicide Detail upon the arrival of their investigators. No persons shall be permitted to enter the crime scene without the approval of the Homicide Inspector assigned the investigation or the Homicide OIC.
  6. Nothing in this order shall prohibit a member from taking reasonable actions to ensure his/her safety or the safety of another person.

G. INVOLVED OFFICERS. The following actions will be taken in all cases of officer-involved shootings (resulting in injury or death):

1. All members shall be afforded all substantive and procedural rights and remedies as provided by applicable law, including without limitation thereto the Public Safety Officers' Bill of Rights.
2. When a supervisor arrives on the scene, the supervisor shall have the involved member(s) escorted from the scene. If more than one member is involved in the discharging of a firearm, absent exigent circumstances, the members shall be separated and will be kept separate from one another, and shall not discuss the incident with each other prior to being interviewed by the Homicide Detail Inspectors. If possible, the supervisor shall contact the investigator from the Homicide Detail and ascertain if the involved member is to be taken to the Homicide Detail, the Investigations Bureau, or the involved member's Station or Detail. In all circumstances the member shall be taken to a department facility.
3. Members of the department's C.I.R.T. program may assist the member(s) involved prior to their interview with investigators. However, they shall not discuss the facts or details of the shooting with the member.
4. Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

Within 5 business days of an officer-involved shooting, the Chief of Police shall convene a panel to discuss whether it is appropriate for the involved member to return to duty. The Panel shall include a representative of the Behavioral Science Unit, the officer-in-charge of the Homicide Detail, the Deputy Chief, Commander, and Captain overseeing the involved officer's unit, the officer-in-charge of the Management Control Division, the Deputy Chief of Investigations and officer-in-charge of Risk Management.

The Chief, after consulting with the panel shall determine if the member should be returned to their regular field assignment, but only after completion of any mandatory debriefing (per DGO 8.04, Section 1.A), and any recommended retraining. This decision, including the factors supporting the decision, shall be contained in a written report that shall be forwarded immediately to the Police Commission. A copy of the report

09/21/05

shall also be forwarded to the Director of the OCC. This report will be part of the officer's confidential personnel file and shall not be disclosed to any member of the public except by court order. The Police Commission shall, at the first Commission meeting following receipt of the report, meet in closed session with the Chief of Police to review the Chief's findings and decision. Officers shall not be returned to their regular duty until the Commission has met in closed session with the Chief of Police.

Any determination by the Chief not to return an officer to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive.

5. The officer shall receive a debriefing by the Crisis Incident Response Team and support as outlined in Section C., of Department General Order 8.04.

#### H. INVESTIGATIONS

1. Officer-involved shootings. The Homicide Detail and the Management Control Division shall respond immediately and conduct a timely investigation into every officer-involved shooting. These investigations shall utilize the same numbering system, and be consistent with each other, e.g., 03-01 (first O.I.S. of 2003), 03-02 (second O.I.S. of 2003) etc.
2. Officer-involved discharges. The Commanding Officer of the member involved shall contact the Management Control Division and obtain an O.I.D. number. The report prepared by the Commanding Officer of the member involved shall reflect the M.C.D. issued O.I.D. number. The final report submitted shall be routed through channels, to the Management Control Division for evaluation prior to review by the Chief of Police.

#### I. REVIEW OF INVESTIGATIONS

1. Officer-involved shootings.
  - a. Homicide Detail Investigation. The criminal investigation prepared by the Homicide Detail shall be completed and received by the Chair of the Firearm Discharge Review Board within forty-five-calendar days of the shooting event. If the criminal investigation report is not completed within forty-five calendar days of the shooting event, the Officer-in-charge of the Homicide Detail shall appear before the

Commission at the earliest possible meeting to explain why the report has not been completed.

- b. Management Control Division Investigation. The administrative investigation prepared by the Management Control Division shall be completed and submitted to the Chair of the Firearm Discharge Review Board within sixty-calendar days of the shooting event. If the administrative investigation report is not completed within sixty-calendar days of the shooting event, the Officer-in-charge of the Management Control Division shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.
- c. The Firearm Discharge Review Board shall convene within thirty calendar days of receipt of the Management Control Division investigation report. Within 120 calendar days following the first meeting of the Firearm Discharge Review Board, the panel shall complete its investigation and issue its findings in accordance with Department General Order 3.10. If the Firearm Discharge Review Board report is not completed within the required 120 calendar days, a representative of the Firearms Discharge Review Board shall appear before the Commission at the earliest possible meeting to explain why the report has not been completed.

# San Francisco Police Department

## Digital Crime Scene - Run Detail Report

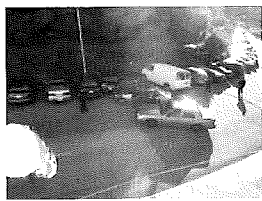
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|                          |                          |                   |          |                          |     |
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| <b>Case Description:</b> | OIS - ■ BUENA VISTA EAST |                   |          | <b>Case Print Count:</b> | 497 |

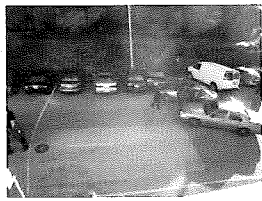
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| <b>Log Number:</b>      | 49925                   |                   |               | <b>Response Date:</b> | 6/8/2011 11:41:00AM | <b>Run Print Count:</b> | 0 |
| <b>Submitted By:</b>    | Camilleri/1533          |                   |               | <b>Entry Date:</b>    | 6/8/2011 11:41:00AM |                         |   |
| <b>Address:</b>         | 850 Bryant St           |                   |               |                       |                     |                         |   |
|                         | San Francisco           |                   |               |                       |                     |                         |   |
|                         | CA                      |                   |               |                       |                     |                         |   |
| <b>Run Description:</b> | 850 Bryant St           |                   |               |                       |                     |                         |   |
| <b>Requested By:</b>    | Sgt Nevin               |                   |               |                       |                     |                         |   |
| <b>ActionTaken:</b>     | Scene video copy to DVD |                   |               |                       |                     |                         |   |
| <b>Narrative:</b>       |                         |                   |               |                       |                     |                         |   |
| <b>Journal Entries:</b> | <u>User Name</u>        | <u>Entry Date</u> | <u>Entry</u>  |                       |                     |                         |   |





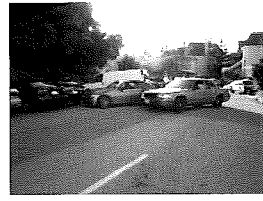
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OIS 11-002 012



OIS 11-002 013



OIS 11-002 014



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OIS 11-002 016



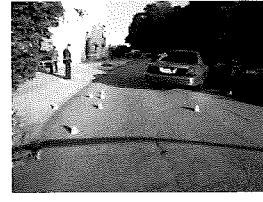
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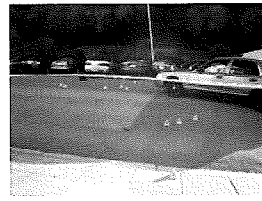
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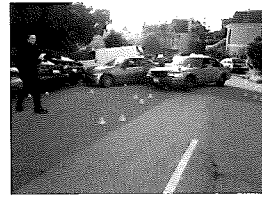
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OIS 11-002 022



OIS 11-002 023



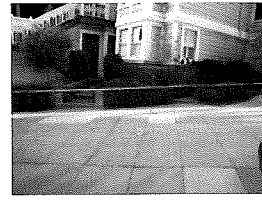
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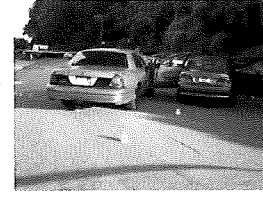
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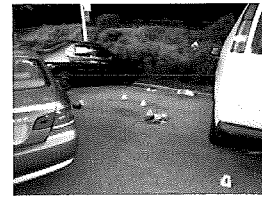
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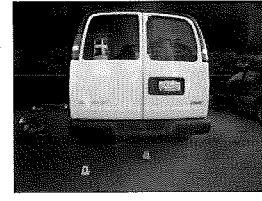
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OIS 11-002 032



OIS 11-002 033



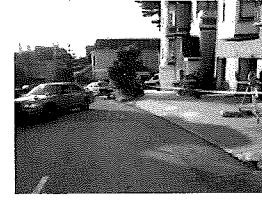
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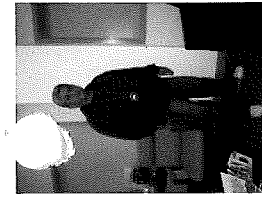
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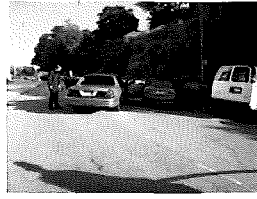




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OIS 11-002 010





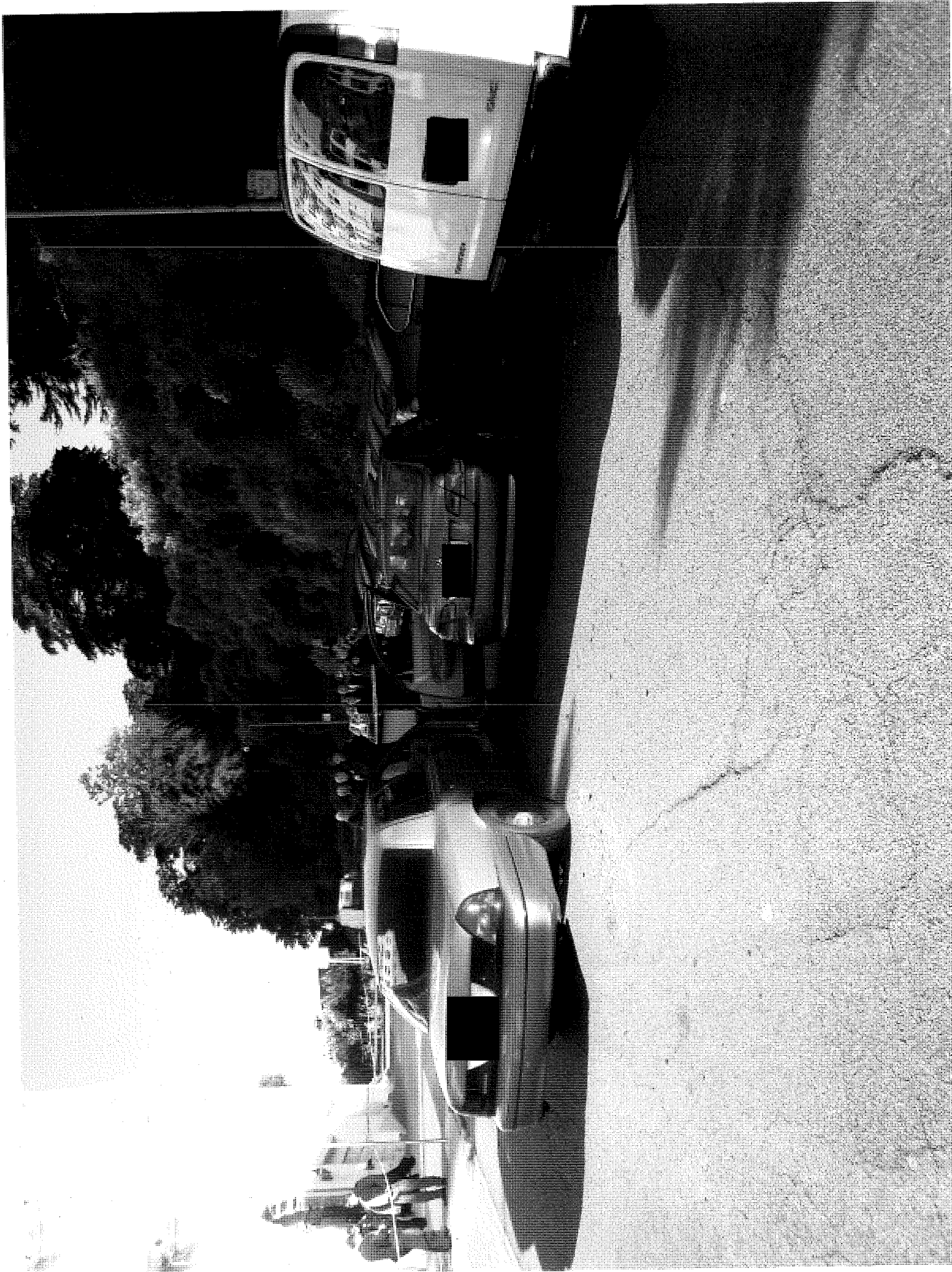
















# San Francisco Police Department

## OIS Report Summary

**Case Type:** Officer Involved Shooting

**Case Number:** OIS-2011-0002

**Incident Date:** 06/07/2011

**Date Reported:** 06/07/2011

**Origin:**

**Report Number:** 110460706

**Location:**

**Address:** ■ Buena Vista East, , San Francisco, CA

**Bureau:**

**District:** Park

**Status:** Open

**Date Closed:**

### Employee(s)

**Lieu, Albert K**

**ID#:** ■ **Badge:** 1632

**Race:** ■

**Sex:** ■

**Supervisor:**

**Assignment:** Park

**Allegation:** Administrative Investigation

**Violation:**

**Finding:** Open-Pending

**Ryan, Scott F**

**ID#:** ■ **Badge:** 734

**Race:** ■

**Sex:** ■

**Supervisor:** Kerr, Belinda D

**Assignment:** Park

**Allegation:** Administrative Investigation

**Violation:**

**Finding:** Open-Pending

### Tracking:

**Group:** MCD Investigation

**Assigned To:** Nevin, Michael D

**Role:** Investigator

**Assign Date:** 6/7/11

**Due Date:**

**Completion Date:**

### Narrative:

Updated 6/10/11 14:18:46 by A02141:

On Tuesday, June 7, 2011 at 1723 hours, Sergeant Scott Ryan #734 (3E135), Officer Albert Lieu #1632 (eF35C), and Officer Ruben Reyes #1954 (3F35E) were assigned to plain clothes operations in the Park District. While locating an occupied stolen vehicle wanted in connection with two bank robberies, Sergeant Ryan and Officer Lieu discharged their firearms. The suspect was killed in the incident. An administrative investigation pursuant to Department policy will be conducted.



# San Francisco Police Department

## OIS Report Summary

**Case Type:** Officer Involved Shooting

**Case Number:** OIS-2011-0002

**Incident Date:** 06/07/2011

**Date Reported:** 06/07/2011

**Origin:**

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**Location:**

**Address:** ■ Buena Vista East, , San Francisco, CA

**Bureau:**

**District:** Park

**Status:** Open

**Date Closed:**

### Employee(s)

**Lieu, Albert K**  
**Supervisor:**

**ID#:** ■ **Badge:** 1632

**Race:** ■ **Sex:** ■  
**Assignment:** Park

**Allegation:** Administrative Investigation

**Violation:**

**Finding:** Open-Pending

**Ryan, Scott F**

**ID#:** ■ **Badge:** 734

**Race:** ■ **Sex:** ■  
**Assignment:** Park

**Supervisor:** Kerr, Belinda D

**Allegation:** Administrative Investigation

**Violation:**

**Finding:** Open-Pending

### Tracking:

**Group:** MCD Investigation

**Assigned To:** Nevin, Michael D

**Role:** Investigator

**Assign Date:** 6/7/11

**Due Date:**

**Completion Date:**

### Narrative:

Updated 6/10/11 14:18:46 by A02141:

On Tuesday, June 7, 2011 at 1723 hours, Sergeant Scott Ryan #734 (3E135), Officer Albert Lieu #1632 (eF35C), and Officer Ruben Reyes #1954 (3F35E) were assigned to plain clothes operations in the Park District. While locating an occupied stolen vehicle wanted in connection with two bank robberies, Sergeant Ryan and Officer Lieu discharged their firearms. The suspect was killed in the incident. An administrative investigation pursuant to Department policy will be conducted.

# MANAGEMENT CONTROL DIVISION CASE

Case No.

OIS 11-002

|                                                                                                                                                                                                                                                                                   |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| (2) Day, Date, Time Received<br><b>Tuesday, June 07, 2011, 18:15 hrs.</b>                                                                                                                                                                                                         |                                                         | (3) How Received<br><input type="checkbox"/> PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> SFPD                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                       |
| (4) Complainant (Primary) Last Name First<br><b>SFPD</b>                                                                                                                                                                                                                          |                                                         | (5) Complainant's Address City Zip                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                       |
| (6) Complainant's Home Phone/Business Phone (including area code)                                                                                                                                                                                                                 |                                                         | (7) CDL #, D.O.B., SS#                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                       |
| (8) Complainant's (Secondary)                                                                                                                                                                                                                                                     |                                                         | (9) Complainant's Address City Zip                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                       |
| (10) Complainant's Home Phone/Business Phone                                                                                                                                                                                                                                      |                                                         | (11) California Driver's License/Identification Card No.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                       |
| (12) Place of Occurrence<br><b>■ Buena Vista East</b>                                                                                                                                                                                                                             | District of Occurrence<br><b>Park</b>                   | (13) Day, Date, Time of Occurrence<br><b>Tuesday, June 07, 2011, 17:23 hrs.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | (14) In Uniform?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. |
| (15) Type of Misconduct<br><input checked="" type="checkbox"/> ADMIN. INVESTIGATION<br><input type="checkbox"/> UNNECESSARY FORCE <input type="checkbox"/> UNWARRANTED ACTIONS<br><input type="checkbox"/> CONDUCT UNBECOMING AN OFFICER <input type="checkbox"/> NEGLECT OF DUTY |                                                         | (16) Activity Being Performed<br><input type="checkbox"/> Failure to Appear<br><input checked="" type="checkbox"/> ARREST <input type="checkbox"/> BOOKING <input type="checkbox"/> CITATION WRITING <input type="checkbox"/> CUSTODY<br><input type="checkbox"/> INVESTIGATION <input type="checkbox"/> OFF-DUTY <input type="checkbox"/> PATROL <input type="checkbox"/> REPORTS <input type="checkbox"/> TELEPHONE<br><input type="checkbox"/> TRAFFIC DIRECTION <input type="checkbox"/> SECONDARY EMPLOYMENT |                                                                                                                       |
| (17) Day, Date Assigned<br><b>Tuesday, June 07, 2011</b>                                                                                                                                                                                                                          | (18) Investigation Assigned To<br><b>Sgt Nevin #166</b> | (19) Allegation Against<br><input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> PROCEDURE <input type="checkbox"/> POLICY                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                       |
| Civil Svc. Class.                                                                                                                                                                                                                                                                 | Person (s) and ID or Star Number (s) Involved           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Assignment/Unit Involved                                                                                              |
| Q50                                                                                                                                                                                                                                                                               | Sergeant Scott Ryan #734                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Co F                                                                                                                  |
| Q2                                                                                                                                                                                                                                                                                | Officer Albert Lieu #1632                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Co F                                                                                                                  |
|                                                                                                                                                                                                                                                                                   |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |
|                                                                                                                                                                                                                                                                                   |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |
|                                                                                                                                                                                                                                                                                   |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |
|                                                                                                                                                                                                                                                                                   |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |

Remarks:  
Incident #110460706

Referred by:  364

(20) NARRATIVE OF INCIDENT

On Tuesday, June 7, 2011 at 17:23 hours, Sergeant Scott Ryan #734 (3E135), Officer Albert Lieu #1632 (3F35C), and Officer Ruben Reyes #1954 (3F35E) were assigned to plain clothes operations in the Park District. While locating an occupied stolen vehicle wanted in connection with two bank robberies, Sergeant Ryan and Officer Lieu discharged their firearms. The suspect was killed in the incident. An administrative investigation pursuant to Department policy will be conducted.

(21) COMPLAINT TAKEN BY

**Sgt. Michael Nevin #166**

BUR/DIV/DETAIL

IAD

DATE/HOUR

6-7-11 1520 hrs.

CONFIDENTIAL

COPY

# Memorandum

San Francisco Police Department



To: Gregory P. Suhr  
Chief of Police

APPROVED YES NO

From: Deputy Chief Lyn Tomioka  
Administration Bureau

GREGORY P. SUHR  
Chief of Police

Date: Thursday, November 8, 2012

Subject: 4th Quarter 2012 Firearm Discharge Review Board

The 4th Quarter 2012 Firearm Discharge Review Board (FDRB) has been scheduled and will convene on Thursday, December 20, 2012 at 10:00 hours at the Hall of Justice, room 505.

The following case will be reviewed (location of incident shown in parenthesis):

OIS 11-002 (Buena Vista East)

Materials will be distributed to FDRB voting members and advisory members prior to the meeting. **FDRB members are reminded that the materials distributed for this board are confidential and may not be copied or duplicated.** All distributed FDRB materials will be collected at the conclusion of the FDRB.

Cc: Voting Members

Deputy Chief Lyn Tomioka (Administrative Bureau-Chair)  
Deputy Chief James Dudley (Operations)  
Deputy Chief Denise Schmitt (Special Operations)  
Deputy Chief David Shinn (Airport)

Advisory Members

Police Commissioner (TBD, c/o Inspector John Monroe)  
Director Joyce Hicks (OCC)  
Captain Gregory McEachern (RMO)  
Lieutenant Robert Yick (IAD)  
Lieutenant Raj Vaswani (Legal Division)  
Sergeant Wallace Gin (Range)



**EDWIN M. LEE**  
MAYOR

POLICE DEPARTMENT  
**CITY AND COUNTY OF SAN FRANCISCO**  
THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



**GREGORY P. SUHR**  
CHIEF OF POLICE

January 23, 2013

Honorable Police Commission  
City and County of San Francisco  
850 Bryant Street, Room 505  
San Francisco, CA 94103

Re: Officer-Involved Shooting (OIS 11-002)

Dear Commissioners:

This letter is a report summarizing the investigative findings for Officer-Involved Shooting, OIS 11-002. This summary report is directed to the Police Commission pursuant to Department General Order 8.11, Section II.I.1 (Rev. Sept. 21, 2005).

After a thorough review of the incident, including the Homicide Detail investigation, the Internal Affairs Division investigation, and the District Attorney's Office for the City of San Francisco, the incident is summarized as follows.

**1) Incident Summary**

On Tuesday, June 7, 2011 at 11:21 hours DEM received a call regarding a stolen vehicle from Southern California. The vehicle was described as a 2009 BMW 3 series. The vehicle was being tracked via GPS and was determined to be in the area of Buena Vista East and Haight Street. Several minutes later, DEM received additional information

from an FBI Agent that the vehicle was believed to have been involved in two bank robberies in Irvine, California. The BMW was stolen on May 16, 2011. On May 17, 2011, two bank robberies occurred in Irvine, California involving the stolen BMW. No gun was seen in the robberies but officers should use "extreme caution" and should be aware that the suspect had evaded police in Orange County in at least three encounters. A suspect name and description was provided.

SFPD Officers communicated with the FBI to obtain more suspect information. At some point, information was passed to officers on scene that the suspect had attempted to run over Sheriffs deputies during an encounter in Southern California.

After locating the vehicle parked and unoccupied near [REDACTED] Buena Vista East, multiple units participated in surveillance over the next several hours. The surveillance on the vehicle included the placement of a small spike strip placed under the tire, and the officers noted that the vehicle was unlocked. Numerous officers from multiple units were involved. All Officers involved in the surveillance were briefed regarding the bank robberies, stolen vehicle, suspect identification and violent police encounters with the suspect. Sergeant #1, Officer #1 and Officer #2 were aware of the suspect and vehicle history.

Sergeant #1, Officer #1 and Officer #2 were positioned on the perimeter during the initial surveillance. At approximately 1500 hours, the surveillance operation was called off but another tracking device was placed on the vehicle in the event that it became occupied and mobile. There is no violation of Search and Seizure due to the fact that the suspect was driving a stolen vehicle and therefore has no standing to dispute the placement of the tracking device. Furthermore, the owner of the vehicle had already activated a GPS tracking device on the vehicle.

Sergeant #1, Officer #1 and Officer #2 were assigned to continue to monitor the vehicle during their tour of duty. Sergeant #1 (front passenger), Officer #1 (driver), and Officer #2 (rear passenger) teamed up in one unmarked police vehicle and began other duties in the district. The Officers were working as a plainclothes team in the Park District. Since none of the officers had seen the wanted vehicle, they proceeded north on Buena Vista East from Duboce to familiarize themselves with what the vehicle in the event that it became mobile.

While making their pass, the officers saw the suspect vehicle (BMW) parked near ■ Buena Vista East next to a yellow van. (Vehicles on this street are parked at a 90 degree angle. The BMW had the front end closest to the curb. Officer #1 commented to the others that he may have seen brake lights on the BMW. They decided to drive down the block, make a U-turn at Haight Street, and take another look as they drove south on Buena Vista East.

Officer #1 drove past the vehicle again and the officers noticed that the vehicle was in fact occupied. Officer #1 quickly backed up and parked. Officer #1 exited his driver's door and was positioned to the rear of a Nissan Altima just south of the driver's side of the BMW. Officer #2 exited the rear driver's side door and became positioned north of the BMW on the passenger side. Sergeant #1 exited the front passenger side and was positioned immediately to the driver's side rear of the BMW.

The officers verbally identified themselves and gave orders to the single occupant of the BMW. Officers #1 and #2 had their stars visible around their necks. Sergeant #1 had his star on a clip on his pocket. All three officers had their firearms drawn in an attempt to take the suspect into custody believing that ■ may be the suspected bank robber. The Officers gave verbal commands, but the suspect did not comply. Sergeant #1 got on his pic radio and called a Code 33 (clear channel for emergency) at 17:23:23 hours.

Sergeant #1 stated that they had an occupied wanted vehicle on Buena Vista East and they needed back-up.

Officers continued to order the suspect to turn off the car and show [REDACTED] hands. The suspect still did not comply with their orders. The BMW began backing up toward Sergeant #1. Sergeant #1 backed up but was blocked by the police vehicle. [REDACTED] was looking for escape but "not seeing a way to get out of it." As the BMW drove back towards Sergeant #1, he felt he was getting pinned and he fired at the driver. Sergeant #1 discharged his entire magazine in a continuous sequence of fire at the driver of the wanted vehicle. He then changed magazines but did not fire again. Sergeant #1 initial reaction to the situation was to try to get away but he said, "I have nowhere to go."

Sergeant #1 would later state:

[REDACTED] going to crush me...I'm going to get pinned...I felt like I had no other decision but to fire and stop [REDACTED]...otherwise I was ....going to get crushed and hurt or killed by this [REDACTED]

The BMW began to accelerate toward Officer #1. Officer #1 stated, "I was scared. I was trying to get away." Officer #1 discharged his firearm at the driver. As the vehicle accelerated toward him Officer #1 ran between two parked vehicles in an attempt to flee the path of travel of the vehicle. Officer #1 briefly got pinned between these two parked vehicles and the BMW slammed into a parked Nissan Altima. His pants later showed a mark on the left thigh area where Officer #1 said his body was pinned. Officer #1 changed magazines before he went empty and then recalled racking a live round which would have fallen to the ground. He did not fire again.



Officer #1 would later state:

The car started moving back...toward (Sergeant #1). It seemed like it was moving at a pretty good pace. ...I shot a couple rounds. Then the vehicle turned towards me. ...I tried to move out of the way, between two cars [REDACTED] was coming at me. [REDACTED] hit the car...my leg was in there, kind of pinned in there. [REDACTED] was still not compliant with our orders. I was scared...I thought [REDACTED] was going to run me down next.

Officer #2 realized that Officer #1 was on his field of fire and therefore did not fire his weapon at the suspect.

Officer #2 would later state, "I'm completely fearful for (Sergeant #1). ...He was 100 percent in danger."

The BMW came to a stop with the right front end contacting the left rear end of the Nissan Altima. The officers approached the suspect in the BMW but [REDACTED] hands were positioned in a fashion that gave them pause. Once they were comfortable that no weapons were visible, Officer #1 assisted by Officer #2 handcuffed the suspect to the front of [REDACTED] body and took [REDACTED] into custody.

Sergeant #1 notified dispatch that shots had been fired at 17:23:46 hours. Back up units arrived and summoned medical attention for the suspect. The suspect was transported to San Francisco General Hospital where [REDACTED] was pronounced dead at 18:05 hours.

## 2) Criminal Investigation Summary

Homicide investigators and CSI personnel responded to [REDACTED] Buena Vista East. Homicide investigators assumed control of the criminal investigation.

CSI responded to the scene. The scene was measured for diagramming. CSI collected, processed and identified evidence, including 23 .40 S&W caliber shell casings, a .40 caliber S&W cartridge and numerous bullet fragments. Sergeant #1 and Officer #1's department-issued firearms were collected by CSI. Bullet trajectory data was measured and collected for analysis.

The cartridges, bullets, and Sergeant #1 and Officer #1's were forwarded to the SFPD Crime Laboratory for testing and analysis. The recovered .40 caliber cases were determined to have been fired from Sergeant #1 and Officer #1's firearm. Sergeant #1 and Officer #1's pistols were examined and found to be functional, with trigger pull within manufacturer's specifications.

The Medical Examiner conducted an autopsy and issued a written report. The cause of death was complications due to multiple gunshot wounds (6). The suspect was struck by six rounds penetrating [REDACTED] chest, abdomen and left forearm. The suspect tested positive for [REDACTED]

A criminal investigation was conducted by the Homicide Detail and the District Attorney's office. The District Attorney's office determined that no criminal charges would be filed against the involved officers. The DA came to the following conclusion:

In this case, as outlined above, the decedent robbery suspect, in an attempt to avoid capture, ignored the officers' commands to stop and maneuvered the BMW in such a way that both Sergeant Ryan and Officer Lieu were in danger of being pinned and crushed by the BMW. Fearful of being seriously injured or killed, both Sergeant Ryan and Officer Lieu fired their weapons in self-defense and defense of others, and stopped firing their weapons when the

vehicle came to a stop. Based on the totality of circumstances, there is no reason to believe Sergeant Ryan and Officer Lieu acted unlawfully.

### **3) Witness Statements**

All officers and identified witnesses were interviewed in the course of this investigation. Statements from these parties were gathered during the criminal and administrative investigations.

There were no significant inconsistencies among the accounts related during these interviews.

### **4) Force Analysis**

The following statute and Department General Order provisions were considered in the evaluation of this use of force event:

Penal Code Section 835a:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Department General Order 5.01, *Use of Force* (rev. 10/4/95) sets forth the circumstances under which officers may resort to force. 5.01. I states, in part:

D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

Department General Order 5.01 further elaborates:

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:

- a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself.
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
- a. What actions on the part of the suspect justify the use of force?
  - b. What crime is being or has been committed?
  - c. Does the situation require the immediate use of force?

Department General Order 5.02, *Use of Firearms* (rev. 11/1/95) outlines Department policy specifically with respect to the use of firearms. (This DGO was revised on 3/16/11). As in effect at the time of this incident, DGO 5.02, stated, in part:

2. PERMISSIBLE CIRCUMSTANCES. Officers may discharge a firearm in any of the following circumstances:

- a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
- b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- c. To make an arrest when:
  - (1) The officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; and
  - (2) The officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed; and

(3) After all other reasonable means of apprehension and control have been exhausted.

3. VERBAL WARNING. If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to Officer and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that **officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set forth in this subsection** (c). An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:

- (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury other than the vehicle itself.
- (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.

- (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- (4) To apprehend the person when both of the following circumstances exist:
  - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force;  
AND
  - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

## 5) Policy and Procedure Review

Department General Order 5.01, *Use of Force* provides the parameters under which officers may resort to the use of force, and Department General Order 5.02.I.C.2 (*Use of Firearms*) specifically defines permissible circumstances in which an officer may discharge a firearm.

Sergeant #1 and Officer #1 were conducting surveillance on a stolen vehicle. The vehicle was possibly driven by a wanted bank robbery suspect. They had knowledge that the suspect had attempted to run over Officers with the vehicle on prior occasions. The Officers responded to the area to get a closer look at the vehicle, they did not expect to encounter the suspect.

Upon realizing the vehicle was occupied with a possible suspect, Sergeant #1 stopped the unmarked police car behind the suspect vehicle. Officers exited the vehicle and positioned themselves in the safest places available to them at the time.

Officers ordered the suspect to turn off the car and show [REDACTED] hands. The suspect did not comply. Instead [REDACTED] began backing the stolen BMW toward Sergeant #1 who was standing to the rear of the BMW next to the police vehicle. Officer #1 had no apparent means of escape. Fearing for his safety, Sergeant #1 discharged his firearm at the suspect.

Officer #1 positioned near a parked Nissan Altima saw the BMW backing toward Sergeant #1. Fearing for Sergeant #1's safety, Officer #1 discharged his firearm at the suspect. The vehicle changed direction and began to accelerate toward Officer #1. Officer #1 discharged his firearm fearing for his own safety. Officer #1 attempted to move out of the way by running between parked vehicles. Officer #1 was briefly pinned between these vehicles as the BMW crashed into the Nissan Altima. The BMW then came to rest.

Upon contacting the subject, the officers were immediately confronted by a violent suspect. The officers tactically positioned themselves, giving clear orders to turn off the car and show [REDACTED] hands. The suspect did not comply and used the vehicle as a weapon against the Officers to effect [REDACTED] escape. Fearing for their own safety, the safety of their respective partner, and for the safety of the public, Sergeant #1 and Officer #2 discharged their Department-issued firearms, hitting the suspect and stopping [REDACTED] advance.

It was determined through this investigation that the actions of Sergeant #1 and Officer #1 were appropriate and consistent with Department policy and procedure. The officers had no opportunity to use another category of force; they prudently retreated as



feasible; they provided ample warnings to the suspect; and they resorted to lethal force, in fear for their safety and the safety of others, in accordance with Department policies.

**6) Firearm Discharge Review Board (FDRB) Summary and Findings**

After the investigations by the Homicide unit and the Internal Affairs Division were completed, OIS 11-002 was brought before the 4th Quarter 2012 FDRB on December 20, 2012.

**a) Summary of Witness Testimony Before the FDRB**

The case summary and investigation findings in this case were presented by the IAD investigator. There was no additional witness testimony.

**b) Summary of FDRB Discussion**

The Firearm Discharge Review Board discussed the use of lethal force by Officer #1 and Officer #2, including the facts known to the officer at the time of the encounter and their actions in response to the deadly threat posed by the suspect.

A peripheral discussion at this board ensued regarding the use of such encounters in a training context.

**c) Findings Per General Order 3.10**

After reviewing the known facts and investigative conclusions in this case, the FDRB unanimously voted to accept the recommended finding of "In Policy." I concurred with the FDRB findings, and the case was closed.

7) **Recommendations**

No policy recommendations were made.

Sincerely,

A black rectangular redaction box covering the signature of Gregory P. Suhr.

Gregory P. Suhr

Chief of Police

**INTERNAL AFFAIRS DIVISION  
CASE EVALUATION**

**Evaluation by Sergeant John Crudo**  
**IAD O.I.S. Case #11-002**

**January 14, 2013**

**MEMBERS INVOLVED:**

Sergeant Scott Ryan #734  
Officer Albert Lieu #1632

**INCIDENT:**

Officer-Involved Shooting

**FINDINGS:**

On Tuesday, June 7, 2011, at 1121 hours, Dispatch received a phone call from a consumer GPS tracking service. The caller informed Dispatch that their system had been activated and tracked a metallic BMW sedan, reported stolen by its owner, to the area of Buena Vista East and Haight Street. The caller was unable to provide a license plate number, but gave a vehicle description and the corresponding Vehicle Identification Number (VIN).

Shortly afterward, Dispatch received a second call regarding this BMW. The caller identified himself as Special Agent [REDACTED] assigned to the Federal Bureau of Investigations' Santa Ana office. Agent Budman provided additional information to Dispatch, including:

- the BMW was linked to at least two bank robberies in Irvine, California;
- the vehicle and its contents were wanted as evidence;
- on at least three occasions, officers had encountered the suspect vehicle, and the operator had recklessly evaded police; and
- officers should use "extreme caution" if the vehicle is occupied.

Officers following up on the call located the vehicle parked and unattended in the area of [REDACTED] Buena Vista East. It was a silver 2-door BMW 320i bearing paper plates labeled [REDACTED].

Sergeant James Aherne #1095 (3E170) responded to the Park District to assist Park officers responding to the scene. Sergeant Aherne contacted Special Agent [REDACTED] and spoke with him about the vehicle and its connection to the Irvine robberies. The SFPD Crime Intelligence Unit (CIU)/Robbery Apprehension Team (RAT) was notified, and the unit assumed control of the vehicle surveillance.

At 1400 hours, three members of Park District Station's plainclothes unit—Sergeant Scott Ryan #734, Officer Albert Lieu #1632, and Officer Ruben Reyes #1954—

responded to the area to assist with the coordinated surveillance of the BMW. The plainclothes officers assumed positions on the outer perimeter of the scene. Officers Lieu and Reyes were wearing their stars visibly around their necks on chains, while Sergeant Ryan had his star clipped on a pants pocket.

Approximately an hour later, around 1500 hours, the CIU RAT team had to be redeployed on another incident, breaking down their surveillance. Park Station plainclothes units assumed responsibility for surveillance, as their other duties permitted.

At 1706 hours, Sergeant Ryan, Officer Lieu, and Officer Reyes responded to 400 Parnassus Avenue regarding an A-priority report of a man with a gun. Officers determined that there was no merit to this incident and return to their duties. The plainclothes officers decided to return to the area of ■ Buena Vista East to gather information about the stolen vehicle.

Because the officers had been on the outer perimeter, they had not actually seen the target vehicle. Now that they had the opportunity, the officers decided to pass by the BMW so that they could see if there were any unique features to assist in its identification, should the suspect return to the vehicle and go mobile. Officer Lieu was driving their unmarked white Ford Crown Victoria. Sergeant Ryan sat in the front passenger seat, while Officer Reyes sat in the rear seat on the passenger side.

As the officers drove toward the vehicle, a silver 2-door BMW sedan with an open sunroof, they were surprised to realize that their target vehicle was now occupied. The BMW was parked between a Nissan Altima and a yellow GM cargo van. All three vehicles were parked at a 90-degree angle from the curb, with their front ends toward the curb.

Believing the occupant to be a bank robbery suspect, Officer Lieu maneuvered to a parked position slightly behind and downhill from the BMW and parked. The three officers briskly exited their vehicle, drawing their Department-issued firearms. They instinctively triangulated, with Ryan and Reyes moving to the downhill (passenger side) of the suspect vehicle. Lieu moved to the rear driver's side of the parked Nissan Altima, between the Altima and a Mazda Protégé, in a position uphill from the suspect vehicle.

The officers identified themselves to the driver and barked orders at the suspect to stop and surrender to their authority. Sergeant Ryan keyed his radio microphone and cleared the air for an emergency broadcast ("Code 33"). He reported that the suspect vehicle was now occupied and requested a back up. Sergeant Ryan approached from the rear passenger's side of the BMW. Officer Reyes moved to a position of cover near the back of the van, downhill from the BMW.

The suspect began to reverse and backed up, turning so that the back of the BMW turned downhill and the front of the vehicle turned uphill. The BMW front end contacted the parked Nissan Altima, scraping along the side and pushing it toward the Mazda Protégé. Officer Lieu became briefly pinned between the Altima and Protégé, as the BMW

continued to reverse and head toward Sergeant Ryan. Officer Lieu would later state, "I was scared. I was trying to get away." Believing that he was about to be crushed, Officer Lieu fired his Department-issued firearm at the driver. He made a tactical magazine change, racking his slide and causing a live round to eject from his weapon, but Officer Lieu did not fire again.

At approximately the same time, Sergeant Ryan saw that the BMW was backing in his direction. He believed that the suspect was deliberately heading toward him. Sergeant Ryan also wanted to get away and retreated until his escape path was blocked by his own vehicle. Sergeant Ryan now believed, "I have no place to go." Fearing that he was about to be crushed by the suspect vehicle, Sergeant Ryan opened fire, discharging his full magazine. He made a magazine change, but did not fire any further.

From his position near the rear of the GM cargo van, Officer Reyes saw the BMW reversing toward Sergeant Ryan and believed the retreating sergeant, whose path was now blocked, was about to be struck. Officer Reyes believed that Sergeant Ryan was at risk of serious bodily injury or death. Officer Reyes, however, noticed that Officer Lieu was positioned directly ahead, behind his line of sight toward the BMW, in Officer Reyes' field of fire. For this reason, Officer Reyes withheld fire.

After Sergeant Ryan and Officer Lieu discharged their firearms, the BMW stopped. The officers cautiously approached the driver, handcuffed [REDACTED] and took [REDACTED] into custody.

Units on the scene called for an ambulance to respond to the scene. Prior to the arrival of SFFD paramedics, however, Sergeant Lederer #4151, who had arrived on the scene, flagged down a passing private ambulance to assist the officers until the arrival of the paramedics. SFFD Medic #79 arrived a short time afterward and transported the suspect to SFGH, where [REDACTED] succumbed to multiple gunshot wounds.

C.S.I. responded to the scene. The scene was measured for diagramming. Technicians identified, processed, and collected evidence, including 23 .40 caliber S&W shell casings, a .40 caliber S&W cartridge, and numerous bullet fragments. Sergeant Ryan's and Officer Lieu's firearms were collected and tested; both were determined to be functional, with trigger pull within the manufacturer's specifications. Bullet trajectory data was measured and collected for later analysis. The suspect vehicle was towed to Auto Return with a hold for Homicide.

The suspect was subsequently identified as [REDACTED], dubbed the "Gen X Bandit" by the F.B.I. The Medical Examiner's office conducted an autopsy and ruled that [REDACTED] cause of death was complications related to multiple gunshot wounds. [REDACTED] was struck by six rounds, penetrating [REDACTED] chest, abdomen, and left forearm. [REDACTED] was determined to be positive for [REDACTED].

The Homicide Detail and the District Attorney's Office conducted a criminal investigation. The Homicide Detail interviewed all involved members, as well as all identified sworn and civilian witnesses, and considered all of the evidence and data

collected in this case. The completed Homicide Detail investigation was forwarded to the San Francisco District Attorney's Office for review and consideration of possible charges related to this incident.

The Department received a letter from the Office of the District Attorney, dated October 5, 2011 summarizing their findings. The letter concludes as follows:

In this case, as outlined above, the decedent robbery suspect, in an attempt to avoid capture, ignored the officers' commands to stop and maneuvered the BMW in such a way that both Sergeant Ryan and Officer Lieu were in danger of being pinned and crushed by the BMW. Fearful of being seriously injured or killed, both Sergeant Ryan and Officer Lieu fired their weapons in self-defense and defense of others, and stopped firing their weapons when the vehicle came to a stop. Based on the totality of circumstances, there is no reason to believe Sergeant Ryan and Officer Lieu acted unlawfully.

An administrative investigation was undertaken by Sergeant Michael Nevin #166 of the Internal Affairs Division. The investigation determined the officer's actions were in accordance with Penal Code 835a, Department General Order 5.01, *Use of Force* and Department General Order 5.02, *Use of Firearms*.

**Penal Code Section 835a** states, as follows:

Any peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

**General Order 5.01, *Use of Force*** states, in part:

**D. Categories of Force to Employ (In ascending order of gravity)**

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g. passive resister, bent wrist control, excluding the carotid restraint).

- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

#### **F. Circumstances Justifying the Use of Force**

1. Officers may use force in the performance of their duties in the following circumstances:
  - a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self defense or in the defense of another person.

**General Order 5.02, *Use of Firearms*** states, in part:

#### **C. Discharge of Firearms**

**2. PERMISSIBLE CIRCUMSTANCES.** Officers may discharge a firearm in any of the following circumstances:

- a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.
- b. In the necessary defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

**3. VERBAL WARNING.** If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

**5. MOVING VEHICLES.** The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

- a. At A Moving Vehicle. An officer shall not discharge a firearm at a moving vehicle with the intent to disable the vehicle.



- b. From a Moving Vehicle. An officer shall not discharge a firearm from a moving vehicle unless the officer has reasonable cause to believe there is an imminent danger of death or serious bodily injury to the officer or to others.
- c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that officers **are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:
  - (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means other than the vehicle itself.
  - (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.
  - (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
  - (4) To apprehend a person when both of the following circumstances exist:
    - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
    - (b) The officer has reasonable cause to believe that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.



When Sergeant Ryan and Officer Lieu discharged their firearms, both officers had sought places of safety in a volatile, rapidly unfolding lethal encounter. Officer Lieu had moved to cover behind the Nissan Altima, before becoming pinned as a result of [REDACTED] operation of his vehicle, between the Altima and a Mazda Protege. Sergeant Ryan retreated away from the path of the vehicle until he found his retreat blocked.

As established by the criminal investigation and District Attorney's review, Sergeant Ryan and Officer Lieu fired their weapons on June 7, 2011 in defense of themselves and others, after they had identified themselves as police officers. The officers triangulated, and when the suspect began to use [REDACTED] vehicle as a weapon in order to effect [REDACTED] escape, both Sergeant Ryan and Officer Lieu attempted to retreat to defensive positions before ultimately firing their weapons.

It is therefore recommended that the actions taken by **Sergeant Scott Ryan #734** be deemed **Proper Conduct** and **In Policy**.

It is recommended that the actions taken by **Officer Albert Lieu #1632** be deemed **Proper Conduct** and **In Policy**.

The Firearm Discharge Review Board (4<sup>th</sup> Quarter 2012) convened on December 20, 2012 and reviewed this case. The unanimous finding for the action taken by Sergeant Scott Ryan #734 during the course of this incident was "**In Policy**." The unanimous finding for the action taken by Officer Albert Lieu #1632 during the course of this incident was "**In Policy**."

**RECOMMENDATION:**

**Sergeant Scott Ryan #734**  
**In Policy**  
**No Further Action**

**Officer Albert Lieu #1632**  
**In Policy**  
**No Further Action**



**EDWIN M. LEE**  
MAYOR

**POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



**GREGORY P. SUHR**  
CHIEF OF POLICE

December 21, 2012

Honorable Police Commission  
City and County of San Francisco  
850 Bryant Street, Room 505  
San Francisco, CA 94103

**COPY**  
**CONFIDENTIAL**

Re: Fourth Quarter 2012 FDRB Findings and Recommendations

Dear Commissioners:

On Thursday, December 20, 2012, at approximately 1000 hours, pursuant to and in compliance with Department General Order 3.10.I, Subsection D, the Firearm Discharge Review Board convened to review Officer Involved Discharge (O.I.D) and Officer Involved Shooting (O.I.S.) investigations for the Fourth Quarter 2012.

The Firearm Discharge Review Board reviewed OIS case **11-002**. A summary of this incident is attached to this document. The FDRB was comprised as follows:

**Voting Board Members**

**Assignments**

- |                                         |                           |
|-----------------------------------------|---------------------------|
| ▪ Deputy Chief Lyn Tomioka (Chair)..... | Administration Bureau     |
| ▪ Deputy Chief James Dudley .....       | Operations Bureau         |
| ▪ Deputy Chief Denise Schmitt.....      | Special Operations Bureau |
| ▪ Deputy Chief Dave Shinn.....          | Airport Bureau            |

**Advisory Board Members**

**Assignments**

- |                                  |                              |
|----------------------------------|------------------------------|
| ▪ Commissioner Suzy Loftus ..... | Police Commission            |
| ▪ Director Joyce Hicks .....     | Office of Citizen Complaints |
| ▪ Captain Greg McEachern .....   | Risk Management Office       |
| ▪ Sergeant Wallace Gin .....     | SFPD Range Master            |

# FIREARM DISCHARGE REVIEW BOARD

4th Quarter 2012

Thursday, December 20, 2012

## Officer-Involved Shooting (O.I.S.) Summary

### Case: OIS 11-002

On Tuesday, June 7, 2011, at approximately 1723 hours, three plainclothes officers from Park Station passed through the area of ■ Buena Vista East. The officers intended to follow-up on an investigation of a stolen BMW parked in the area; the vehicle was associated with two bank robberies that had occurred in Irvine, CA. When the officers unexpectedly encountered a suspect inside the vehicle, they immediately exited their vehicle and triangulated around the car. The suspect attempted to flee, deliberately directing ■ car at two of the officers violently striking the police vehicle and a parked car. The officers retreated until they had no more room to maneuver, at which time two of the officers fired their Department-issued firearms. The suspect, later identified as the "Gen-X Bandit," was struck and later succumbed to ■ injuries.

# COPY

# Memorandum

San Francisco Police Department



## CONFIDENTIAL

To: Gregory P. Suhr  
Chief of Police

APPROVED YES NO

From: Lyn Tomioka *ht #1105*  
Deputy Chief, Administration Bureau

Date: December 21, 2012

**GREGORY P. SUHR**  
Chief of Police

Subject: Fourth Quarter 2012 Firearm Discharge Review Board Summary Report:  
Officer-Involved Shooting (O.I.S.) Case 11-002

On Thursday, 20, 2012, at approximately 1000 hours, pursuant to and in compliance with Department General Order 3.10.I, Subsection D, the Firearm Discharge Review Board convened to review Officer Involved Discharge (O.I.D) and Officer Involved Shooting (O.I.S.) reports for the Fourth Quarter 2012.

The Firearm Discharge Review Board reviewed OIS case **11-002**. A summary of this incident is attached to this document. The FDRB was comprised as follows:

### Voting Board Members

### Assignments

- Deputy Chief Lyn Tomioka (Chair)..... Administration Bureau
- Deputy Chief James Dudley ..... Operations Bureau
- Deputy Chief Denise Schmitt..... Special Operations Bureau
- Deputy Chief Dave Shinn..... Airport Bureau

### Advisory Board Members

### Assignments

- Commissioner Suzy Loftus ..... Police Commission
- Director Joyce Hicks ..... Office of Citizen Complaints
- Captain Greg McEachern ..... Risk Management Office
- Sergeant Wallace Gin ..... SFPD Range Master

IAD OIS Investigator, Inspector Monica MacDonald presented the investigative findings for this case.

The Board heard and considered the investigative findings, as presented by Inspector MacDonald. Follow-up discussion specific to this incident considered information related to the involved officers and tactics employed. After consideration, the FDRB unanimously voted to concur with the findings of **"In Policy"** for this incident.

SFPD 68 (03/89)

# Routing and Transmittal Slip

|                                                    |                                |                                                     |
|----------------------------------------------------|--------------------------------|-----------------------------------------------------|
| 1 (Name)<br>Commander John Murphy                  | Initials<br><i>[Signature]</i> | For Action<br><input type="checkbox"/>              |
| (Unit)<br>Investigations Division                  | Date<br>10/28/12               | For Recommendation<br><input type="checkbox"/>      |
| 2 (Name)<br>Deputy Chief James Dudley              | Initials<br><i>[Signature]</i> | For Approval<br><input checked="" type="checkbox"/> |
| (Unit)<br>Operations Bureau                        | Date                           | As Requested<br><input type="checkbox"/>            |
| 3 (Name)<br>Deputy Chief Lyn Tomioka,              | Initials<br><i>[Signature]</i> | Note & Forward<br><input type="checkbox"/>          |
| (Unit)<br>Administration Bureau - FDRB Chairperson | Date<br>11-2-12                | For Information<br><input type="checkbox"/>         |
| 4 (Name)<br>Captain Greg McEachern                 | Initials<br><i>[Signature]</i> | Note & Return<br><input type="checkbox"/>           |
| (Unit)<br>Risk Management Office                   | Date<br>10/5                   | Per Conversation<br><input type="checkbox"/>        |
| 5 (Name)<br>LT. YICK                               | Initials<br><i>[Signature]</i> | Confer<br><input type="checkbox"/>                  |
| (Unit)<br>100                                      | Date<br>10/26                  | For Signature<br><input type="checkbox"/>           |
| 6 (Name)                                           | Initials                       | Consolidate<br><input type="checkbox"/>             |
| (Unit)                                             | Date                           | Investigate & Report<br><input type="checkbox"/>    |
|                                                    | Initials                       | For Compliance<br><input type="checkbox"/>          |
|                                                    | Date                           | Reply In My Name<br><input type="checkbox"/>        |

Attached is the Homicide Detail O.I.S. investigative summary report for the Firearms Discharge Review Board.

This report summarizes the events and findings of the O.I.S. investigation involving Sgt. Scott Ryan and Officer Albert Lieu at 65 Buena Vista East on June 7<sup>th</sup>, 2011.

The San Francisco District Attorney's Office has reviewed this case and determined there is no basis to believe the members involved acted unlawfully.

NOTE: DO NOT USE THIS FORM AS A RECORD OF APPROVALS, CONCURRENCES, DISAPPROVALS, CLEARANCES AND SIMILAR ACTIONS.

|                                  |                          |
|----------------------------------|--------------------------|
| FROM (Name)<br>Lt. Hector Sainez | Date<br>October 26, 2012 |
| (Unit)<br>Homicide Detail        | Phone<br>X-1507          |

San Francisco Police Department

SFPD 39 (7/72)



**San Francisco Police Department**



|                         | APPROVED                                                                            | YES                                 | NO                       |
|-------------------------|-------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| CAPT. JOHN MURPHY #2158 |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Lt. H. Sainez #1667     |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Lt. H. Sainez #1667 ☒ ☐

**Subject:** Homicide Detail Officer Involved Shooting Investigative Summary Report

## Fatal Officer Involved Shooting

Location: [REDACTED] Buena Vista East

Sergeant Scott Ryan #734, Park Station  
Officer Albert Lieu #1632, Park Station

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Outstanding U.S. Marshals Flight Warrant for [REDACTED] issued 05/17/11

Chief Suhr #887 Command Staff  
Deputy Chief Cashman#936 Command Staff  
Commander Ali #619 Command Staff  
Commander Tomioka #113 Command Staff  
Lt. Solomon #327 Co. F  
Sgt. Kane #1526 Co. F  
Sgt. Stocker #2196 Co. F  
Sgt. Lederer #4151 Co. F

**BUREAU OF INVESTIGATIONS PERSONNEL**

Commander Biel #677  
Captain Murphy #2158  
Lt. Sainez #1667  
Insp. Cagney #341  
Insp. Delahunty #2103  
Insp. Philpott #65

**CRIME SCENE INVESTIGATIONS**

Lt. Bruneman #1784 C.S.I.  
Sgt. Weggenman #725 C.S.I.  
Insp. Evans #1820 C.S.I.  
Ofc. Rodelas #729 C.S.I.  
Ofc. Gamboa #1327 C.S.I.  
Ofc. Tom # 4186 C.S.I.

**INTERNAL AFFAIRS DIVISION**

Sgt. Nevin #166  
Insp. Tomioka #364

**DISTRICT ATTORNEY'S OFFICE**

David Pfeifer, ADA  
June Cravett, ADA  
Victor Hwang, ADA  
Chief Crisolo D.A.I.  
Inv. Irvine D.A.I.  
Inv. Posada D.A.I.

**OFFICE OF CITIZEN COMPLAINTS**

Charles Gallman  
Edward McMahon

**SIGNIFICANT EVENT TIME LINE**

17:13:13 hrs- 3F135, 10-97 assisting 3F14D at 17<sup>th</sup> and Roosevelt Way on 221call  
17:23:43 hrs-3F135, Code 33  
17:23:54 hrs-3F135, 10-25  
17:24:05 hrs-3F135, Shots fired  
17:24:28 hrs-3F108, 10-97  
17:25:09 hrs-3F108, S/H on Scene  
17:27:40 hrs-3F108, 408, 10-97



## INCIDENT OVERVIEW

On 06/07/11, Sgt. Ryan, Officers Lieu, and Reyes were in plain clothes assigned to the Park Station (Co. F) 35 Car Unit. Lieu was driving, Ryan was front passenger and Reyes was right rear passenger. All three officers were in an S.F.P.D. grey Crown Victoria unmarked vehicle equipped with emergency red lights, siren, and radio. All three officers were equipped with their department issued firearms, magazines, vests, stars, and radios.

Earlier that day, Ryan, Lieu and Reyes had been briefed about a stolen grey BMW with paper plates by various S.F.P.D. personnel. This BMW had been tracked to San Francisco via the vehicles manufacturer installed G.P.S. and was now parked unoccupied next to Buena Vista Park. The BMW had been stolen on 05/15/11 in Southern California and had been used in two Southern California bank robberies on 05/17/11. In two other incidents on 05/17/11 and 05/20/11, law enforcement officers had attempted to stop and detain the individual driving this vehicle and, in each instance, the driver had not complied, leading officers on high speed pursuits and evading capture. All three officers stated that they had heard during the course of the on-going investigation and surveillance of this vehicle that the driver had used the vehicle as a weapon and attempted to run down police officers attempting to arrest [REDACTED] in the Southern California incidents. Ryan, Reyes and Lieu had all participated in a multi-unit surveillance of the vehicle that terminated at 1500 hrs. C.I.U. officers had placed a tracker on the unattended vehicle and the surveillance operation had been canceled.

At 17:23 hrs, Ryan, Lieu, and Reyes were passing the BMW, parked front end to curb line in front of [REDACTED] Buena Vista East on the west side (park side) of the street, driving N/B Buena Vista East towards Haight Street. The officers were doing a passing call to monitor the vehicle. The officers thought they noticed that the vehicle was now occupied by a driver. Uncertain, Lieu did a U-turn at the bottom of Buena Vista East and drove S/B towards the parked BMW. As the officers again passed the BMW, Ryan, Lieu and Reyes were more convinced that the vehicle was now occupied; however, they still were not entirely sure. Lieu drove a short distance past the BMW until all three officers were now sure the car had a driver. Lieu stopped the Crown Victoria behind the still parked BMW and all three officers exited the police unit with their weapons drawn. Ryan exited on the right side of the Crown Victoria, behind the rear of the BMW. Reyes was to the rear of the Crown Victoria and to the right of the BMW, and Lieu was to the front of the Crown Victoria and to the left of the BMW. All three officers identified themselves as police and gave verbal commands for the driver to show [REDACTED] hands and to exit the vehicle. The driver and sole occupant, later identified as [REDACTED] ignored the officers and put the BMW in reverse.

[REDACTED] began turning the BMW to the right, swinging [REDACTED] front end into the parked vehicle left of the BMW as [REDACTED] reversed. Ryan tried to move backwards away from the canted BMW that reversed towards him but was trapped between the BMW coming towards him and the Crown Victoria behind him. Ryan, Reyes, and Lieu continued to



yell commands at the driver to stop the car and to show [REDACTED] hands but [REDACTED] did not comply. Ryan fearing that he would be crushed between the two vehicles and seriously injured or killed fired several rounds at [REDACTED] to stop [REDACTED] from being struck.

Lieu saw that Ryan was in danger of being pinned and seriously injured or killed by the reversing BMW and also fired several rounds at [REDACTED] to stop [REDACTED] from striking Ryan. [REDACTED] then put the BMW into drive and drove uphill (S/B) pushing two parked cars to the left as [REDACTED] maneuvered the BMW, in effect, ramming the parked cars out of the way. During this reverse and then forward motion by the BMW, the left rear of the BMW struck and damaged the right side of the Crown Victoria. Lieu was in front of the BMW as it moved forward. Lieu continued to fire at [REDACTED] because he was now in danger of being pinned and seriously injured as [REDACTED] drove towards him. Lieu vaulted the trunk of the second parked car being pushed by the BMW to escape being struck. C.S.I. recovered a palm print smudge from one of the vehicles parked to the left of the BMW. Lieu suffered injuries to [REDACTED] chest during the incident that were documented and medically treated. Lieu's clothing was also damaged and collected by C.S.I. The injuries, palm print, and damaged clothing are consistent with Lieu's actions of being pinned during the incident.

[REDACTED] either stopped the car or was incapacitated. Ryan, Lieu, and Reyes continued to order [REDACTED] to exit the car and after no response, approached [REDACTED] and took [REDACTED] into custody.

[REDACTED] was shot six times. Twenty six 40 caliber casings were recovered [REDACTED] was unresponsive at the scene [REDACTED] was transported to M.E.H. where he was pronounced deceased at 18:02 hrs. No contraband was found in the vehicle or on [REDACTED] person. [REDACTED] had trace amounts of [REDACTED] in [REDACTED] system; no other narcotics or alcohol was detected. Special Agent [REDACTED] F.B.I. Orange County Bank Robbery Squad, confirmed that [REDACTED] was the only suspect in both Southern California bank robberies on 05/17/11 and that both cases are closed as solved. S/A [REDACTED] stated that there is no documentation or evidence that [REDACTED] used the BMW to assault any law enforcement officers in the Southern California incidents as was previously thought. It is unclear how this inaccurate information was passed on or to S.F.P.D. personnel. L.A.P.D. detective Burns, North Hollywood Division, also closed [REDACTED] 10851 C.V.C. case on the stolen BMW.

## **OFFICERS STATEMENTS (In Summary)**

### **Sgt. Scott Ryan #734**

Ryan stated that he is the plain clothes supervisor for the Co. F 35 Car Unit at Park Station. Ryan has approximately 10 years of experience in plainclothes and 2 ½ years as a supervisor of plainclothes officers. On 06/07/11, Ryan started work at [REDACTED] hrs and was briefed about the bank robberies, the location and description of the BMW, and the information available as to the suspect and suspected crimes by several other



S.F.P.D. officers and supervisors who were already conducting surveillance of the BMW. Ryan responded as a SAM unit to assist until other members of the 35 car came in at [REDACTED]rs. Ryan stated that he briefed Officers Reyes and Lieu as to the operation, and they then responded to the area to assist. At 15:00 hrs, the surveillance was canceled after a tracking device was placed on the BMW.

Ryan stated they then resumed regular duties as they drove together in an S.F.P.D. Crown Victoria unmarked car, Ryan, front passenger, Reyes, rear, Lieu, driving. Ryan said that they responded to a 221 call to back up a patrol unit on a car stop on 17<sup>th</sup> St. at about 17:10 hrs. After clearing that run, Ryan and the two other officers decided to check out the unattended BMW parked on Buena Vista East. Ryan stated that as they drove N/B Buena Vista past the BMW, Lieu told them that he thought he saw the rear lights on and the sunroof opening up on the BMW. Ryan said that he might have seen somebody in a baseball cap inside the vehicle but was not sure.

Ryan stated that they did a U turn at Haight, and drove back up Buena Vista to investigate further. Ryan said this time when they drove up to the parked BMW, he could see there was definitely a driver in the vehicle.

Ryan stated that he exited the Crown Vic on the passenger side near the rear of the still parked, stationary, BMW. Lieu had stopped the Crown Vic a few feet behind the BMW blocking an easy escape for the suspect vehicle. Ryan stated that he pointed his firearm at the driver and sole occupant and ordered [REDACTED] to show [REDACTED] hands and exit the car. Ryan said he also identified himself numerous times as a police officer. Ryan said he was behind the BMW and to the driver's side of the car because he had a sight line down the left side of the BMW. Ryan said he could see Lieu to his left, and could hear Reyes as all three of them shouted repeated commands to the driver to show [REDACTED] hands and exit the vehicle. Ryan said he could hear Lieu telling the driver to shut off the car because he did not realize until then that that engine was already running.

Ryan stated that he was approximately at arm's length from the rear of the BMW, standing between the Crown Vic and BMW. Ryan said that he did not hear any music from the BMW and that he believed the driver's side window was down. The only reaction Ryan said he saw from the driver to all the shouted commands was to see [REDACTED] looking in the rear view mirror and to [REDACTED] left. Ryan stated that he and the other officers shouted at the driver for what seemed like a long time. Ryan stated that he used his radio to put out a 10-25 call.

Ryan said that the driver did not make any effort to comply and then slowly started to back up, swinging the BMW to the left striking and pushing the parked cars next to the BMW. Ryan stated that he became alarmed and stepped backwards away from the reversing BMW. Ryan said that the BMW continued backward, not at a very fast rate, but maneuvering and impacting other cars moving them out of the way "kind of like a trash compactor; moving and crunching" Ryan said that he looked for a escape route but realized that he was trapped between the BMW and the Crown Vic. Ryan stated that he could feel his back against the Crown Vic as the BMW got closer and closer.



Ryan stated that he felt trapped and was fearful that he would be crushed by the two cars as the driver continued to reverse.

Ryan stated that he fired at the driver of the BMW to stop [REDACTED] from crushing him. Ryan stated that he did not know how many rounds he fired but noticed that his slide had locked back and the weapon was empty. While he was firing at the driver, Ryan stated that the BMW stopped reversing and then drove forward with him now to the left side of the BMW as it continued moving. Ryan stated that he could hear at least one other weapon being fired but could not see who was shooting.

#### **Officer Albert Lieu #1632**

Officer Lieu stated that he has 7 years of experience, 2 ½ with the plainclothes unit. Lieu said when he started a [REDACTED] hrs on 06/07/11, he was briefed on a bank robbery suspect that the F.B.I. was tracking and that the suspect had tried to run down two officers at some point. Lieu said that he and his partner Reyes responded to the general area where the bank robbery vehicle was parked and joined the surveillance already in progress with several other units on scene. Lieu said that he did not have a lot of information about the investigation and he and Reyes were just a perimeter unit and never saw the BMW being watched. At 15:00 hrs, the operation was called off and he and Reyes went to pick up their supervisor, Ryan, and resumed their usual duties.

Lieu stated he was driving, Ryan was front passenger, and Reyes was rear passenger. Lieu said that after backing up a unit on a gun call, the three of them decided to see the BMW themselves. Lieu stated that as he drove the Crown Vic down the hill towards Haight on Buena Vista East, he drove slowly by the BMW and was not sure if it was the correct car. Lieu said he made a U-turn and came back up the hill passing the parked car again. Lieu said he stopped the Crown Vic and then rolled it backwards towards the BMW. He then saw somebody in the BMW and threw the police vehicle into park. Lieu said that he drew his firearm and approached the BMW from the left side near the trunk of the suspect vehicle. Lieu stated that he had a clear view of the driver and loudly identified himself as a police officer. Lieu also had his police star visible around his neck. Lieu stated that he repeated numerous commands for the driver to show [REDACTED] hands. Lieu said when he realized that the BMW engine was on, he then ordered the driver to shut off the engine. Lieu stated that the driver did not comply or acknowledge him. Lieu noticed that the sunroof on the BMW was open. Lieu said he could hear the other officers yelling commands. He could see Ryan because he was to the rear and to the left of the BMW and could see he was on his police radio. Lieu could not see Reyes.

Lieu stated that the BMW started moving backwards towards Ryan. Lieu stated that he was not sure how fast the car was reversing but it was moving at a pretty fast pace. Lieu stated he was not exactly sure when he fired his weapon, but it was when the BMW was going towards Ryan. Lieu said he did not know how many rounds he fired.



Lieu stated the BMW then turned in his direction. Lieu stated that the BMW was going backwards, and then forwards, facing him. Lieu said he tried to get out of the way by running between two parked cars to the left of the BMW, but then the BMW struck one of the cars, pushing that car into the second parked car, pinning his leg between the two vehicles. Lieu stated that he was still shooting at the driver when he was pinned and then was able to free himself and run to the front of the Crown Vic. Lieu stated that he fired at the driver because he felt that Ryan was in danger of being struck by the BMW. Lieu stated he fired at [REDACTED] when the BMW turned towards him and moved forward, pinning him between the two parked cars. Lieu said he was afraid of being injured or killed when he fired at the driver to stop [REDACTED]. Lieu did not recall having to vault the trunk of one of the parked cars to escape being struck.

#### **Officer Ruben Reyes #1954**

Reyes has been with the Department for 7 ½ years, and has been assigned to plain clothes for two years at Co. F. Reyes stated that when he started at [REDACTED] hrs on 06/07/11, he and Lieu were assigned to assist in surveillance of a bank robbery vehicle that the F.B.I. was tracking. Reyes said he did not get much detailed information, but that the vehicle had tried to run over a L.A. area deputy. Reyes said that he and Lieu were on the perimeter during the surveillance and did not have much of a role. At 15:00 hrs, the surveillance was canceled and he and Lieu joined up with their supervisor Ryan to go about their duties.

Reyes stated that the three of them had driven by the BMW and that Lieu had said that he had seen the brake lights on or the rooftop open. Reyes said they did a U-turn and that he could see someone in the BMW. Reyes stated that Ryan told Lieu to stop the car. Reyes said he exited the police car and walked up, gun drawn, on the passenger side of the BMW. Reyes said he could see Ryan behind the BMW and Lieu to the left of the BMW. Reyes said all three of them identified themselves as police and ordered the driver to show [REDACTED] hands and exit the vehicle. Reyes stated that he saw the driver look right at him, then at Lieu on the other side, and then put the BMW into reverse. Reyes said the BMW was backing up directly at Ryan. Reyes said he then heard numerous gunshots. Reyes said he was prepared to engage but saw that Lieu was directly in his line of fire across the BMW. Reyes stated that he had to duck because he was in the line of fire himself. Reyes stated that he believed that Ryan was in serious danger and would have fired if he had a clear shot himself to protect him from being struck.

#### **CIVILIAN WITNESS STATEMENTS (In Summary)**

[REDACTED]  
[REDACTED]

[REDACTED] stated that [REDACTED] heard yelling out in front of [REDACTED] window, a male voice, "get your fucking hands up" and "get out of the car", over and over. [REDACTED] said [REDACTED] was not sure if

they were police but they were fearful of the car. [REDACTED] thought maybe they were drug dealers. [REDACTED] stated [REDACTED] saw the car back up and then the shooting started. [REDACTED] stated that [REDACTED] could tell the men did not want to shoot. [REDACTED] said the men could have shot long before they did. One officer did not shoot until the suspect moved forward.

[REDACTED]  
[REDACTED]

[REDACTED] stated that [REDACTED] heard an argument outside [REDACTED] window that got louder and louder. The voices were commanding in tone. [REDACTED] said [REDACTED] then heard many gunshots. [REDACTED] heard the three officers giving commands at the BMW. [REDACTED] stated [REDACTED] saw an unmarked police car right behind it. After the shooting, the officers approached the car very carefully. [REDACTED] said [REDACTED] saw the driver very clearly and the driver's expression was "I am in a world of hurt." The shooting lasted for 10-15 seconds.

[REDACTED]  
[REDACTED]

[REDACTED] stated that [REDACTED] was walking towards [REDACTED] building on the sidewalk when [REDACTED] saw a car stop in the middle of the street. [REDACTED] stated that [REDACTED] saw men start yelling "down mother fucker" or something like that as they ran up to a parked car. The men were very aggressive. [REDACTED] said the driver of the parked car hesitated, and then backed up. The men started shooting very fast. [REDACTED] noticed that two of the men were police officers. The officers were yelling at the driver, "don't move." [REDACTED] stated that the driver was trying to get away and that [REDACTED] looked back in the direction of the officers. [REDACTED] said it was very fast from shouting to the shooting. [REDACTED] stated [REDACTED] never heard the men identify themselves as police.

[REDACTED]  
[REDACTED]

[REDACTED] stated that [REDACTED] was at [REDACTED] desk working when [REDACTED] heard men outside [REDACTED] window shouting. [REDACTED] looked outside and saw two cars that [REDACTED] thought had collided. [REDACTED] said [REDACTED] saw 3 plainclothes police men yelling, "Stop, stop, stop, don't go any further." [REDACTED] said one of the cars pulled out in reverse, and then pulled forward. The police shot into the car. [REDACTED] said [REDACTED] did not see what the driver did. The car the police were shooting at hit another car. [REDACTED] stated that one of the police had to jump on a parked car to get away. [REDACTED] said that when the officer jumped on the car to escape, the car they were shooting at was still moving. [REDACTED] said there was no break in the shooting; it was continuous.



██████████  
██████████  
██████████ stated ██████ heard shooting outside of ██████ window and saw a car trying to get out very slowly. ██████ said one man was in front of the car, shooting, and then another man started shooting. The car they were shooting at was pushing another car out of the way. ██████ stated that ██████ heard the men yelling "he's still moving, he's still moving" ██████ said the man behind the car could have gotten out of the way. ██████ said the car never stopped moving. ██████ said ██████ saw at least two men, maybe three outside.

██████████  
██████████  
██████████ stated that ██████ heard men yelling outside ██████ window, shouting "stop, stop, get out of the car", show us your hands" ██████ stated ██████ looked out of ██████ window and saw 3 plain clothes policemen continuing to shout commands. ██████ said ██████ saw the BMW start to slowly back up and saw the driver look to ██████ left and smile at the police officers. ██████ then said the driver put the car in drive and drove slowly forward. ██████ stated that there was a policeman to the front, one to the left, and another to the left rear of the BMW. ██████ stated that the policemen continued to shout commands as the driver drove forward. The policemen began shooting at the car and one of the policemen had to jump out of the way to avoid being pinned between cars. ██████ stated that the police fired anywhere from 12 to 20 shots. When the shooting stopped, the officers approached the car cautiously. ██████ stated ██████ saw the officers perform CPR on the driver but based on ██████ training as a nurse ██████ could see ██████ was already dead.

██████████  
██████████  
██████████ stated that ██████ was working from home when ██████ heard lots of screaming coming from the park. ██████ thought nothing of it but it got louder and louder. ██████ stated ██████ thought then it was the police yelling at someone. ██████ stated that ██████ saw what ██████ believed to an unmarked police car blocking a smaller grey car. The officers were yelling at the grey car. ██████ stated that ██████ saw the grey car back up but it had no way to escape. ██████ said the angle of the grey car was really tight. ██████ said ██████ saw the grey car push another parked car to the left and heard the police yelling "stop, get out of the car" ██████ stated that ██████ then heard shooting, like microwave popcorn, 20 to 30 shots. ██████ said ██████ believed the shooting happened after the grey car went into reverse.

████████████████████  
████████████████████

█████ stated that █████ was in █████ apartment when █████ heard a car crash and a lot of shouting. █████ stated that █████ looked outside █████ window and saw 4 or 5 cops shouting "get out of the car". █████ said all of the sudden, the cops starting shooting. █████ said the police continued to yell at the █████ in the car. █████ stated the cops looked panicked. █████ said █████ saw the police protecting themselves with their car and had their guns over the top of the car. The car they were shooting at crashed into other parked cars. █████ stated the █████ in the car looked seriously injured or dead.

████████████████████  
████████████████████

█████ stated that █████ only saw the aftermath of the shooting and the uniformed officers responding.

### **CRIME SCENE WORK COMPLETED**

I have received a report from the Crime Scene Investigations Unit, which includes a diagram of the scene and an itemized list of evidence recovered at the scene. Photographs and video of the scene were completed by the Photo Lab. Crime scene photos have been retained in case file.

The Crime Lab Firearms Section report indicates both Officers' firearms were functional within manufacturer's specifications and the ammunition was department issued.

### **DISTRICT ATTORNEY'S OFFICE**

The District Attorney's Office investigated this shooting and determined, "Based on the totality of the circumstances, there is no basis to believe that Sergeant Ryan or Officer Lieu acted unlawfully." The District Attorneys' Office investigation of this incident is closed.

### **CONCLUSION**

Sergeant Ryan, Officer Lieu and Officer Reyes were attempting to arrest a stolen auto/bank robbery suspect who was in the driver's seat of the stolen BMW. The suspect maneuvered the BMW in a manner that put both Sgt. Ryan and Officer Lieu's lives in danger. Fearing for their lives, they discharged their firearms at the suspect. A comprehensive investigation was conducted. The District Attorney's Office determined the Sgt Ryan's and Officer Lieu action were lawful.